

110TH CONGRESS  
2D SESSION

# S. 2787

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 13), 2008

Mr. LEVIN (for himself and Mr. MCCAIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Defense Au-  
5       thorization Act for Fiscal Year 2009”.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into two divi-  
 4 sions as follows:

5 (1) DIVISION A.—Department of Defense Au-  
 6 thorizations.

7 (2) DIVISION B.—Military Construction Author-  
 8 izations.

9 (b) TABLE OF CONTENTS.—The table of contents for  
 10 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Rapid Acquisition Fund.

Sec. 106. Joint Improvised Explosive Device Defeat Fund.

Sec. 107. Defense Production Act purchases.

Subtitle B—Air Force Programs

Sec. 111. Performance based logistics contracts for the F-35 Joint Strike  
 Fighter.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Authorization of Appropriations

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Other Department of Defense programs.

#### Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

#### Subtitle C—Workplace and Depot Issues

- Sec. 321. Exception from prohibition on contractor performance of firefighting functions.
- Sec. 322. Exception to prohibition on contracts for performance of security guard functions.
- Sec. 323. Authority to consider depot level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.

#### Subtitle D—Other Matters

- Sec. 331. Recovery of missing military property.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

#### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Increase in Marine Corps Reserve general officers in an active status.
- Sec. 403. Exclusion of certain personnel from counting for active-duty end strengths.

#### Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of Reserve personnel authorized to be on active duty for operational support.

#### Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
- Sec. 422. Armed Forces Retirement Home.

### TITLE V—MILITARY PERSONNEL POLICY

#### Subtitle A—Officer Personnel Policy

- Sec. 501. Amendment of limited exclusion of joint duty requirements.
- Sec. 502. Changes to promotion policy objectives for joint officers.
- Sec. 503. Length of joint duty assignments.
- Sec. 504. Streamlining language of joint duty requirements for promotion to general or flag officer.
- Sec. 505. Technical changes to “joint specialty” terminology.
- Sec. 506. Conforming changes to “joint specialty” terminology.
- Sec. 507. Increased tenure for lieutenant generals.

#### Subtitle B—Reserve Component Matters

- Sec. 511. Extension of retention on the Reserve active status list of military technicians (dual status) until age 60.
- Sec. 512. Increase age limitation of Reserve component chaplains and medical officers beyond age 64.
- Sec. 513. Conforming amendments to increase the mandatory retirement age for Reserve officers.
- Sec. 514. Authority to require the uniform by military technicians (dual status).
- Sec. 515. National Guard officers in Federal and federally funded State status.
- Sec. 516. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty during a contingency operation.

#### Subtitle C—Education and Training

- Sec. 521. Awarding of Master of Arts in Strategic Security Studies.
- Sec. 522. Tuition reimbursement and use of funds at the United States Air Force Institute of Technology.
- Sec. 523. Expanded authority to award degrees.
- Sec. 524. Authority to prescribe authorized strength for the United States Naval Academy.

#### Subtitle D—General Service Authorities

- Sec. 531. Change in requirement for posthumous certification.
- Sec. 532. Raise maximum reenlistment term.

#### Subtitle E—Other Matters

- Sec. 541. Civil liability for noncompliance and enforcement of Servicemembers Civil Relief Act.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### Subtitle A—Bonuses and Special and Incentive Pays

- Sec. 601. One-year extension of certain bonus and special pays for Reserve forces.
- Sec. 602. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 603. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 604. Direct accession bonus for psychology officers.
- Sec. 605. Extending maximum length of nuclear officer incentive pay agreements for service.

#### Subtitle B—Travel and Transportation Allowances

- Sec. 611. Travel and transportation allowances for certain family members and the person designated to direct the disposition of the deceased's remains to attend the burial ceremony or memorial service of members who die on duty.

#### Subtitle C—Retired Pay and Survivor Benefits

- Sec. 621. Waiver of recoupment of overpayments of retired pay to spouse or former spouse as a result of retroactive disability determination.

- Sec. 622. Survivor Benefit Plan; extension of period for election deemed to have been made.
- Sec. 623. Survivor Benefit Plan; multiple beneficiaries.
- Sec. 624. Survivor Benefit Plan; financial responsibility for Survivor Benefit Plan participation.
- Sec. 625. Survivor Benefit Plan; presumptive proportionate share.
- Sec. 626. Revocation of ten-year rule for direct payment of retired pay.
- Sec. 627. Allowing member to submit application for direct payment.
- Sec. 628. Disregard periods of confinement for dependent victims of abuse.
- Sec. 629. Clarifying amendment regarding jurisdiction for purposes of allocation of retired pay under the Uniformed Services Former Spouse Protection Act.
- Sec. 630. Division of retired pay to be based on member's length of service and pay grade at time of divorce.
- Sec. 631. Increases for divisions of retired pay expressed as a dollar amount.
- Sec. 632. Prohibit court-ordered payments before retirement based on imputation of retired pay.
- Sec. 633. Allow member to waive notice and provide court order upon request.
- Sec. 634. Lump sum payments to former spouses of members of the uniformed services.

#### Subtitle D—Other Matters

- Sec. 641. Permanent retention of eligibility for the earned income tax credit by servicemembers deployed to a combat zone.
- Sec. 642. Exclusion from gross incomes of adjustments to the family separation allowance.
- Sec. 643. Family pet shipment during evacuation of non-essential personnel.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—TRICARE Program Improvements

- Sec. 701. Revising TRICARE program cost sharing amounts.
- Sec. 702. Changes in payment options for TRICARE Prime.
- Sec. 703. Obstetrical travel for command-sponsored dependents of uniformed members assigned to very remote areas outside the continental United States.

#### Subtitle B—Other Matters

- Sec. 711. Mental health evaluations of members of the Armed Forces by masters-level clinical social workers with an independent license.

### TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

#### Subtitle A—Acquisition Policy and Management

- Sec. 801. Revision to the requirement for 15-day waiting period to issue solicitations after publication of synopsis.
- Sec. 802. Repeal of Small Business Competitiveness Demonstration Program.

#### Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Unmanned systems.
- Sec. 812. Enhanced transfer of technology developed at DoD laboratories.

### Subtitle C—Other Matters

- Sec. 821. Extension of length of contracts for renewable energy sources and associated services.
- Sec. 822. Modification of authority to accept financial and other incentives related to energy savings and similar new authority related to energy systems.
- Sec. 823. Timeliness requirements on post-award bid protest jurisdiction of the Court of Federal Claims.

### Subtitle D—Other Matters

- Sec. 831. Applicability of the restriction on specialty metals.
- Sec. 832. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
- Sec. 833. Streamline jurisdiction over government contract claims, disputes and appeals arising out of maritime contracts.
- Sec. 834. Repeal of the military system breakout list.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Department of Defense Management

- Sec. 901. Permanent authority to accept gifts to benefit members of the Armed Forces and Department of Defense employees injured or killed in line of duty and their dependents.
- Sec. 902. Modification of procedures to preserve the search and rescue capabilities of the Federal Government consistent with military requirements.

### Subtitle B—Chemical Demilitarization Program

- Sec. 911. Chemical Demilitarization Citizens' Advisory Commission in Colorado and Kentucky.
- Sec. 912. Modify the termination requirements for assistance to State and local governments under the Chemical Stockpile Emergency Preparedness Program.

### Subtitle C—Intelligence-Related Matters

- Sec. 921. Operational files of the Defense Intelligence Agency.
- Sec. 922. Prohibition on disclosure of certain geodetic products.
- Sec. 923. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.

## TITLE X—GENERAL PROVISIONS

### Subtitle A—Financial Matters

- Sec. 1001. Increase limitation on advance billing of working capital fund customers.
- Sec. 1002. Crediting of admiralty claim receipts for damage to DoD working capital fund account property.
- Sec. 1003. Licensing of intellectual property; definitions.

### Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Temporary waiver of the minimum aircraft carrier requirement.
- Sec. 1012. Clarification of status of government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.

#### Subtitle C—Counter-Drug Activities

- Sec. 1021. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.

#### Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Reserve support for responses to certain emergencies.
- Sec. 1032. Reserve support to major public emergencies.
- Sec. 1033. Reserve support to enforcement of Federal authority.
- Sec. 1034. Reserve support to Federal aid for State Governments.
- Sec. 1035. Procurement of equipment by State and local governments.
- Sec. 1036. Confidential business and homeland security information sharing.

#### Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.

#### Subtitle F—Other Matters

- Sec. 1051. Presentation of burial flag to spouses.
- Sec. 1052. Defense Production Act Amendments of 2008.
- Sec. 1053. Amendment to annual submission of information regarding information technology capital assets.

### TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Increase in authorized number of Defense Intelligence Senior Executive Service employees.
- Sec. 1102. Permanent extension of Department of Defense voluntary reduction in force authority.
- Sec. 1103. Flexibility in paying annuity to Federal retirees who return to work.
- Sec. 1104. Direct hire authority for healthcare professionals of the Department of Defense.
- Sec. 1105. Extension of authority to make lump sum severance payments.
- Sec. 1106. Technical change to the definition of a professional accounting position.

### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

#### Subtitle A—Assistance and Training

- Sec. 1201. Fund foreign visitors to the service academy international programs and establish per diem for faculty and cadets in study abroad programs.

#### Subtitle B—Nonproliferation Matters and Countries of Concern

- Sec. 1211. Waiver of certain sanctions against North Korea.

#### Subtitle C—Other Matters

Sec. 1221. Sales of defense services to be performed overseas to support direct commercial sales by United States companies.

### TITLE XIII—MATTERS RELATING TO BUILDING PARTNER CAPABILITIES TO COMBAT TERRORISM AND ENHANCE STABILITY

#### Subtitle A—Building Security Capacity and Non-Military Stabilization Support

Sec. 1301. Building the partnership capacity of foreign military and other security forces.

#### Subtitle B—Enhancing Partners' Capacity for Effective Operations

- Sec. 1311. Loans of significant military equipment.
- Sec. 1312. Grants of non-lethal excess defense articles by geographic combatant commanders.
- Sec. 1313. Establishment of a defense coalition support account to maintain inventory of critical items for coalition partners.
- Sec. 1314. Reimbursement of salaries for Reserve components in support of security cooperation missions.
- Sec. 1315. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.

#### Subtitle C—Developing Commonality by Expanding Professional Military Education, Training, and Support for Partners

- Sec. 1321. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
- Sec. 1322. Enhancing participation of the Department of Defense in multinational military centers of excellence.
- Sec. 1323. Regional defense combating terrorism fellowship program.
- Sec. 1324. Military-to-military contacts and comparable activities.
- Sec. 1325. Payment of personnel expenses for multilateral cooperation programs.
- Sec. 1326. Enhancing the ability of the United States Government to conduct complex operations.

#### Subtitle D—Setting Conditions Through Support for Local Populations

- Sec. 1331. Amendments of authority for humanitarian assistance.
- Sec. 1332. Making permanent and global the commanders emergency response program for urgent humanitarian and reconstruction needs in the field.

### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

### TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

### TITLE XXII—NAVY



- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

#### TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

#### TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2404. Authorization of appropriations, Defense Agencies.

#### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

#### TITLE XXVI—CHEMICAL DEMILITARIZATION PROGRAM

- Sec. 2601. Authorized Chemical Demilitarization Program construction and land acquisition projects.
- Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction, Defense-wide.
- Sec. 2603. Modification of authority to carry out certain fiscal year 1997 project.
- Sec. 2604. Modification of authority to carry out certain fiscal year 2000 project.
- Sec. 2605. Modification of authority to carry out certain fiscal year 2007 project.

#### TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

#### TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2801. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2802. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2803. Extension of authorizations of certain fiscal year 2005 projects.

#### TITLE XXIX—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing  
Changes

- Sec. 2901. Modification of long-term leasing authority for military family housing.
- Sec. 2902. Unspecified minor construction.
- Sec. 2903. Flexibility in determining domestic family housing lease maximums.
- Sec. 2904. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.

Subtitle B—Real Property and Facilities Administration

- Sec. 2911. Modification of utility system conveyance authority.
- Sec. 2912. Repeal of requirement to follow State law governing the provision of electric utility service.
- Sec. 2913. Permanent authority to purchase municipal services for military installations in the United States.
- Sec. 2914. Clarification of congressional reporting requirements for certain real property transactions of the military departments.

Subtitle C—Base Closure and Realignment

- Sec. 2921. Annual base closure and realignment report.

Subtitle D—Other Matters

- Sec. 2931. Expand cooperative agreement authority for management of cultural resources to include off-installation mitigation.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-  
3 fense committees” has the meaning given that term in sec-  
4 tion 101(a)(16) of title 10, United States Code.

**5 DIVISION A—DEPARTMENT OF**  
**6 DEFENSE AUTHORIZATIONS**  
**7 TITLE I—PROCUREMENT**  
**8 Subtitle A—Authorization of**  
**9 Appropriations**

**10 SEC. 101. ARMY.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2009 for procurement for the Army as follows:

- 13 (1) For aircraft, \$5,009,835,000.

1 (2) For missiles, \$2,211,460,000.

2 (3) For weapons and tracked combat vehicles,  
3 \$3,687,077,000.

4 (4) For ammunition, \$2,275,791,000.

5 (5) For other procurement, \$11,367,926,000.

6 **SEC. 102. NAVY AND MARINE CORPS.**

7 (a) NAVY.—Funds are hereby authorized to be appro-  
8 priated for fiscal year 2009 for procurement for the Navy  
9 as follows:

10 (1) For aircraft, \$14,716,774,000.

11 (2) For weapons, including missiles and tor-  
12 pedoes, \$3,575,482,000.

13 (3) For shipbuilding and conversion,  
14 \$12,732,918,000.

15 (4) For other procurement, \$5,482,856,000.

16 (b) MARINE CORPS.—Funds are hereby authorized to  
17 be appropriated for fiscal year 2009 for procurement for  
18 the Marine Corps in the amount of \$1,512,765,000.

19 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
20 are hereby authorized to be appropriated for fiscal year  
21 2009 for procurement of ammunition for the Navy and  
22 Marine Corps in the amount of \$1,122,712,000.

1 **SEC. 103. AIR FORCE.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2009 for procurement for the Air Force as fol-  
4 lows:

5 (1) For aircraft, \$12,676,496,000.

6 (2) For ammunition, \$894,478,000.

7 (3) For missiles, \$5,536,728,000.

8 (4) For other procurement, \$16,128,396,000.

9 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2009 for Defense-wide procurement in the  
12 amount of \$3,164,228,000.

13 **SEC. 105. RAPID ACQUISITION FUND.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2009 for Rapid Acquisition Fund in the  
16 amount of \$102,045,000.

17 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
18 **FUND.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal year 2009 for Joint Improvised Explosive Device  
21 Defeat Fund in the amount of \$496,300,000.

22 **SEC. 107. DEFENSE PRODUCTION ACT PURCHASES.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2009 for Defense Production Act purchases in  
25 the amount of \$36,365,000.

1     **Subtitle B—Air Force Programs**

2     **SEC. 111. PERFORMANCE BASED LOGISTICS CONTRACTS**  
3             **FOR THE F-35 JOINT STRIKE FIGHTER.**

4             (a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Funds available to the Department of  
5     Air Force and the Department of Navy for operation and  
6     maintenance may be used to fund both expense and investment costs under Performance Based Logistics contracts  
7     for the Joint Strike Fighter (JSF) F-35.

10            (b) DEFINITION.—In this section, the term “Performance Based Logistics contract” means a contract for  
11     the acquisition of sustainment support as an integrated,  
12     affordable, performance package designed to optimize system readiness and availability, while achieving performance goals for the JSF with clear lines of authority and  
13     responsibility and with cost insight.

17            (c) SUNSET.—The authority provided by this section  
18     shall terminate on September 30, 2015.

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **Authorization of Appropriations**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2009 for the use of the Department of Defense  
8 for research, development, test, and evaluation, as follows:

9 (1) For the Army, \$10,524,085,000.

10 (2) For the Navy, \$19,337,238,000.

11 (3) For the Air Force, \$28,066,617,000.

12 (4) For Defense-wide activities,  
13 \$21,688,001,000, of which \$188,772,000 is author-  
14 ized for the Director of Operational Test and Eval-  
15 uation.

16 **TITLE III—OPERATION AND**  
17 **MAINTENANCE**

18 **Subtitle A—Authorization of**  
19 **Appropriations**

20 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 2009 for the use of the Armed Forces and other  
23 activities and agencies of the Department of Defense, for  
24 expenses, not otherwise provided for, for operation and  
25 maintenance, in amounts as follows:

1 (1) For the Army, \$31,243,092,000.

2 (2) For the Navy, \$34,922,398,000.

3 (3) For the Marine Corps, \$5,597,254,000.

4 (4) For the Air Force, \$35,902,487,000.

5 (5) For the Defense-wide activities,  
6 \$26,091,864,000.

7 (6) For the Army Reserve, \$2,642,341,000.

8 (7) For the Navy Reserve, \$1,311,085,000.

9 (8) For the Marine Corps Reserve,  
10 \$213,131,000.

11 (9) For the Air Force Reserve, \$3,142,892,000.

12 (10) For the Army National Guard,  
13 \$5,875,546,000.

14 (11) For the Air National Guard,  
15 \$5,879,576,000.

16 (12) For the United States Court of Appeals  
17 for the Armed Forces, \$13,254,000.

18 (13) For Environmental Restoration, Army,  
19 \$447,776,000.

20 (14) For Environmental Restoration, Navy,  
21 \$290,819,000.

22 (15) For Environmental Restoration, Air Force,  
23 \$496,227,000.

24 (16) For Environmental Restoration, Defense-  
25 wide, \$13,175,000.

1           (17) For Environmental Restoration, Formerly  
2       Used Defense Sites, \$257,796,000.

3           (18) For Overseas Humanitarian, Disaster, and  
4       Civic Aid programs, \$83,273,000.

5           (19) For Former Soviet Union Threat Reduc-  
6       tion programs, \$414,135,000.

7           (20) For the Overseas Contingency Operations  
8       Transfer Fund, \$9,101,000.

9   **SEC. 302. WORKING CAPITAL FUNDS.**

10       Funds are hereby authorized to be appropriated for  
11   fiscal year 2009 for the use of the Armed Forces and other  
12   activities and agencies of the Department of Defense for  
13   providing capital for working capital and revolving funds  
14   in amounts as follows:

15           (1) For the Defense Working Capital Funds,  
16       \$1,489,234,000.

17           (2) For the National Defense Sealift Fund,  
18       \$1,962,253,000.

19           (3) For the Defense Coalition Support Fund,  
20       \$22,000,000.

21   **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

22       (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
23   by authorized to be appropriated for the Department of  
24   Defense for fiscal year 2009 for expenses, not otherwise



1 provided for, for the Defense Health Program, in the  
2 amount of \$23,615,202,000, of which—

3 (1) \$23,117,359,000 is for Operation and  
4 Maintenance;

5 (2) \$193,938,000 is for Research, Development,  
6 Test, and Evaluation; and

7 (3) \$303,905,000 is for Procurement.

8 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
9 TION, ARMY.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—

11 Funds are hereby authorized to be appropriated for  
12 the Department of Defense for fiscal year 2009 for  
13 expenses, not otherwise provided for, for Chemical  
14 Agents and Munitions Destruction, in the amount of  
15 \$1,485,634,000, of which—

16 (A) \$1,152,668,000 is for Operation and  
17 Maintenance;

18 (B) \$268,881,000 is for Research, Devel-  
19 opment, Test, and Evaluation; and

20 (C) \$64,085,000 is for Procurement.

21 (2) USE.—Amounts authorized to be appro-  
22 priated under paragraph (1) are authorized for—

23 (A) the destruction of lethal chemical  
24 agents and munitions in accordance with sec-

1           tion 1412 of the Department of Defense Au-  
2           thorization Act, 1986 (50 U.S.C. 1521); and

3           (B) the destruction of chemical warfare  
4           materiel of the United States that is not cov-  
5           ered by section 1412 of such Act.

6           (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
7           TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
8           to be appropriated for the Department of Defense for fis-  
9           cal year 2009 for expenses, not otherwise provided for, for  
10          Drug Interdiction and Counter-Drug Activities, Defense-  
11          wide, in the amount of \$1,060,463,000.

12          (d) DEFENSE INSPECTOR GENERAL.—Funds are  
13          hereby authorized to be appropriated for the Department  
14          of Defense for fiscal year 2009 for expenses, not otherwise  
15          provided for, for the Office of the Inspector General of  
16          the Department of Defense, in the amount of  
17          \$247,845,000, of which—

18               (1) \$246,445,000 is for Operation and Mainte-  
19               nance; and

20               (2) \$1,400,000 is for Procurement.

## **Subtitle B—Environmental Provisions**

### **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

#### **(a) AUTHORITY TO REIMBURSE.—**

(1) **TRANSFER AMOUNT.**—Using funds described in subsection (b), the Secretary of Defense may transfer not more than \$64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) **PURPOSE OF REIMBURSEMENT.**—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) **INTERAGENCY AGREEMENT.**—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental

1 Protection Agency for the Moses Lake Wellfield  
2 Superfund Site in March 1999.

3 (b) SOURCE OF FUNDS.—Any payment under sub-  
4 section (a) shall be made using funds authorized to be ap-  
5 propriated by section 301(17) for operation and mainte-  
6 nance for Environmental Restoration, Formerly Used De-  
7 fense Sites.

8 (c) USE OF FUNDS.—The Environmental Protection  
9 Agency shall use the amount transferred under subsection  
10 (a) to pay costs incurred by the Agency at the Moses Lake  
11 Wellfield Superfund Site.

## 12 **Subtitle C—Workplace and Depot** 13 **Issues**

### 14 **SEC. 321. EXCEPTION FROM PROHIBITION ON CON-** 15 **TRACTOR PERFORMANCE OF FIREFIGHTING** 16 **FUNCTIONS.**

17 Section 2465(b) of title 10, United States Code, is  
18 amended by adding at the end the following new para-  
19 graph:

20 “(5) A contract for the performance of fire-  
21 fighting functions to—

22 “(A) fight wildland fires such as range or  
23 forest fires, and

24 “(B) perform wildland fire management  
25 such as prescribed burning.”.

1 **SEC. 322. EXCEPTION TO PROHIBITION ON CONTRACTS**  
2 **FOR PERFORMANCE OF SECURITY GUARD**  
3 **FUNCTIONS.**

4 Section 2465(b) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(5) A contract for security guard functions at  
8 any military installation or facility for the duration  
9 of a Force Protection Condition higher than Alpha;  
10 provided that such contract shall not result in the  
11 displacement of any Federal employee, and shall  
12 continue in effect no more than 90 days following  
13 the termination of such a higher Force Protection  
14 Condition.”.

15 **SEC. 323. AUTHORITY TO CONSIDER DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR**  
16 **FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.**

19 Section 2474 of title 10, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

22 “(h) EXCEPTION FOR CORE LOGISTICS.—Depot-level  
23 maintenance and repair workload performed at a Center  
24 of Industrial and Technical Excellence by Federal Govern-  
25 ment employees using contractor-furnished equipment or  
26 by government employees utilizing government-leased fa-

1 cilities may be considered as workload necessary to main-  
 2 tain core logistics capability identified in section 2464 of  
 3 this title if the depot-level maintenance and repair work-  
 4 load is the subject of a public-private partnership entered  
 5 into pursuant to subsection (b).”.

## 6 **Subtitle D—Other Matters**

### 7 **SEC. 331. RECOVERY OF MISSING MILITARY PROPERTY.**

8 (a) IN GENERAL.—Section 2789 of title 10, United  
 9 States Code, is amended to read as follows:

#### 10 **“§ 2789. Recovery of Department of Defense property:** 11 **unauthorized disposition**

12 “(a) PROHIBITION.—No member of the armed forces,  
 13 civilian employee of the Government, contractor personnel,  
 14 or any other person may sell, lend, pledge, barter, or give  
 15 any clothing, arms, articles, equipment, or any other mili-  
 16 tary or Department of Defense property to any unauthor-  
 17 ized person.

18 “(b) SEIZURE OF IMPROPERLY DISPOSED OF PROP-  
 19 erty.—If a member of the armed forces, civilian employee  
 20 of the Government, contractor personnel, or any other per-  
 21 son has disposed of military or Department of Defense  
 22 property in violation of subsection (a), any civil or military  
 23 officer of the United States or any State or local law en-  
 24 forcement official may seize the property, wherever found.  
 25 If such property is in the possession of a person who is

1 not authorized to receive it, that person in possession has  
 2 no title or right to, or interest in, the property. Possession  
 3 of such property by a person who is neither a member  
 4 of the armed forces nor an official of the United States  
 5 is prima facie evidence that the property has been disposed  
 6 of in violation of subsection (a).

7 “(c) DELIVERY OF SEIZED PROPERTY.—Any official  
 8 who seizes property under subsection (b) and is not au-  
 9 thorized to retain it for the United States shall deliver the  
 10 property to an authorized member of the armed forces or  
 11 other authorized official of the Department of Defense.

12 “(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—  
 13 This section shall apply to any military or Department of  
 14 Defense property which was the subject of unauthorized  
 15 disposition any time after January 1, 2002.

16 “(e) SEVERABILITY CLAUSE.—In the event that any  
 17 portion of this section is held unenforceable, all other por-  
 18 tions of this section shall remain in full force and effect.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
 20 at the beginning of chapter 165 of such title is amended  
 21 by striking the item relating to section 2789 and inserting  
 22 the following new item:

“2789. Recovery of Department of Defense property: unauthorized disposition.”.

1                   **TITLE IV—MILITARY**  
 2           **PERSONNEL AUTHORIZATIONS**  
 3                   **Subtitle A—Active Forces**

4   **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5           The Armed Forces are authorized strengths for active  
 6   duty personnel as of September 30, 2009, as follows:

7                   (1) The Army, 532,400.

8                   (2) The Navy, 325,300.

9                   (3) The Marine Corps, 194,000.

10                  (4) The Air Force, 316,600.

11   **SEC. 402. INCREASE IN MARINE CORPS RESERVE GENERAL**  
 12                   **OFFICERS IN AN ACTIVE STATUS.**

13           The table in section 12004(a) of title 10, United  
 14   States Code, is amended by striking “10” in the item re-  
 15   lating to the Marine Corps and inserting “12”.

16   **SEC. 403. EXCLUSION OF CERTAIN PERSONNEL FROM**  
 17                   **COUNTING FOR ACTIVE-DUTY END**  
 18                   **STRENGTHS.**

19           (a) IN GENERAL.—Section 115(i) of title 10, United  
 20   States Code, is amended by adding at the end the fol-  
 21   lowing new paragraph:

22                   “(14) Members of a reserve component ordered  
 23           to active duty under section 12301(d) of this title or  
 24           full-time National Guard duty under section  
 25           502(f)(2) of title 32 for the purpose of responding



1 to a serious domestic manmade or natural disaster,  
 2 accident, or catastrophe.”.

3 (b) CONFORMING AMENDMENT.—Such section is fur-  
 4 ther amended by inserting “and (14)” in subsection  
 5 (b)(3)(B) after “(8)”.

## 6 **Subtitle B—Reserve Forces**

### 7 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

8 (a) IN GENERAL.—The Armed Forces are authorized  
 9 strengths for Selected Reserve personnel of the Reserve  
 10 components as of September 30, 2009, as follows:

11 (1) The Army National Guard of the United  
 12 States, 352,600.

13 (2) The Army Reserve, 205,000.

14 (3) The Navy Reserve, 66,700.

15 (4) The Marine Corps Reserve, 39,600.

16 (5) The Air National Guard of the United  
 17 States, 106,700.

18 (6) The Air Force Reserve, 67,400.

19 (7) The Coast Guard Reserve, 10,000.

20 (b) ADJUSTMENTS.—The end strengths prescribed by  
 21 subsection (a) for the Selected Reserve of any Reserve  
 22 component shall be proportionately reduced by—

23 (1) the total authorized strength of units orga-  
 24 nized to serve as units of the Selected Reserve of

1       such component which are on active duty (other  
2       than for training) at the end of the fiscal year; and  
3               (2) the total number of individual members not  
4       in units organized to serve as units of the Selected  
5       Reserve of such component who are on active duty  
6       (other than for training or for unsatisfactory partici-  
7       pation in training) without their consent at the end  
8       of the fiscal year.

9   Whenever such units or such individual members are re-  
10 leased from active duty during any fiscal year, the end  
11 strength prescribed for such fiscal year for the Selected  
12 Reserve of such reserve component shall be increased pro-  
13 portionately by the total authorized strengths of such  
14 units and by the total number of such individual members.

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
16 **DUTY IN SUPPORT OF THE RESERVES.**

17       Within the end strengths prescribed in section  
18 411(a), the Reserve components of the Armed Forces are  
19 authorized, as of September 30, 2009, the following num-  
20 ber of Reserves to be serving on full-time active duty or  
21 full-time duty, in the case of members of the National  
22 Guard, for the purpose of organizing, administering, re-  
23 cruiting, instructing, or training the Reserve components:

24               (1) The Army National Guard of the United  
25       States, 29,950.

1 (2) The Army Reserve, 16,170.

2 (3) The Navy Reserve, 11,099.

3 (4) The Marine Corps Reserve, 2,261.

4 (5) The Air National Guard of the United  
5 States, 14,337.

6 (6) The Air Force Reserve, 2,733.

7 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
8 **(DUAL STATUS).**

9 The minimum number of military technicians (dual  
10 status) as of the last day of fiscal year 2009 for the Re-  
11 serve components of the Army and the Air Force (notwith-  
12 standing section 129 of title 10, United States Code) shall  
13 be the following:

14 (1) For the Army Reserve, 8,395.

15 (2) For the Army National Guard of the United  
16 States, 27,210.

17 (3) For the Air Force Reserve, 10,003.

18 (4) For the Air National Guard of the United  
19 States, 22,452.

20 **SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF**  
21 **NON-DUAL STATUS TECHNICIANS.**

22 (a) LIMITATIONS.—

23 (1) NATIONAL GUARD.—Within the limitation  
24 provided in section 10217(c)(2) of title 10, United  
25 States Code, the number of non-dual status techni-

1        cians employed by the National Guard as of Sep-  
 2        tember 30, 2009, may not exceed the following:

3                    (A) For the Army National Guard of the  
 4                    United States, 1,600.

5                    (B) For the Air National Guard of the  
 6                    United States, 350.

7                    (2) ARMY RESERVE.—The number of non-dual  
 8        status technicians employed by the Army Reserve as  
 9        of September 30, 2009, may not exceed 595.

10                    (3) AIR FORCE RESERVE.—The number of non-  
 11        dual status technicians employed by the Air Force  
 12        Reserve as of September 30, 2009, may not exceed  
 13        90.

14                    (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
 15        this section, the term “non-dual status technician” has the  
 16        meaning given that term in section 10217(a) of title 10,  
 17        United States Code.

18        **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
 19                    **THORIZED TO BE ON ACTIVE DUTY FOR**  
 20                    **OPERATIONAL SUPPORT.**

21        During fiscal year 2009, the maximum number of  
 22        members of the Reserve components of the Armed Forces  
 23        who may be serving at any time on full-time operational  
 24        support duty under section 115(b) of title 10, United  
 25        States Code, is the following:

1           (1) The Army National Guard of the United  
2 States, 17,000.

3           (2) The Army Reserve, 13,000.

4           (3) The Navy Reserve, 6,200.

5           (4) The Marine Corps Reserve, 3,000.

6           (5) The Air National Guard of the United  
7 States, 16,000.

8           (6) The Air Force Reserve, 14,000.

9           **Subtitle C—Authorization of**  
10           **Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

12           There is hereby authorized to be appropriated to the  
13 Department of Defense for military personnel for fiscal  
14 year 2009 a total of \$114,896,340,000.

15 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

16           There is hereby authorized to be appropriated for fis-  
17 cal year 2009 from the Armed Forces Retirement Home  
18 Trust Fund the sum of \$63,010,000 for the operation of  
19 the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**  
 2 **POLICY**  
 3 **Subtitle A—Officer Personnel**  
 4 **Policy**

5 **SEC. 501. AMENDMENT OF LIMITED EXCLUSION OF JOINT**  
 6 **DUTY REQUIREMENTS.**

7 Section 526(b)(2)(A) of title 10, United States Code,  
 8 is amended by striking “and a general and flag officer po-  
 9 sition” and inserting “three general and flag officer posi-  
 10 tions”.

11 **SEC. 502. CHANGES TO PROMOTION POLICY OBJECTIVES**  
 12 **FOR JOINT OFFICERS.**

13 Section 662 of title 10, United States Code, is  
 14 amended—

15 (1) in subsection (a), by striking “that—(1)”  
 16 and all that follows through the period at the end  
 17 and inserting “that officers in the grade of major  
 18 (or in the case of the Navy, lieutenant commander)  
 19 or above who have been designated as a Joint Quali-  
 20 fied Officer are expected as a group to be promoted  
 21 to the next higher grade at a rate not less than the  
 22 rate for officers of the same armed force in the same  
 23 grade and competitive category.”; and

24 (2) in subsection (b), by striking “officers who  
 25 are serving in, or have served in, joint duty assign-

1       ments, especially with respect to the record of officer  
 2       selection boards in meeting the objectives of para-  
 3       graphs (1), (2), and (3) of subsection (a)” and in-  
 4       serting “Joint Qualified Officers in the grades of  
 5       major (or in the case of the Navy, lieutenant com-  
 6       mander) through colonel (or in the case of the Navy,  
 7       captain), especially with respect to the record of offi-  
 8       cer selection boards in meeting the objective of sub-  
 9       section (a)”.

10 **SEC. 503. LENGTH OF JOINT DUTY ASSIGNMENTS.**

11       Section 664 of title 10, United States Code, is  
 12 amended—

13               (1) in subsection (d)—

14                       (A) in paragraph (1), by amending sub-  
 15       paragraph (D) to read as follows:

16                       “(D) a qualifying reassignment from a  
 17       joint duty assignment—

18                               “(i) for unusual personal reasons (in-  
 19       cluding extreme hardship and medical con-  
 20       ditions) beyond the control of the officer or  
 21       the Armed Forces; or

22                               “(ii) to another joint duty assignment  
 23       immediately after—

24                               “(I) the officer was promoted to  
 25       a higher grade, if the reassignment

1                   was made because no joint duty as-  
 2                   signment was available within the  
 3                   same organization that was commensurate with the officer's new grade; or  
 4                   “(II) the officer's position was  
 5                   eliminated in a reorganization.”; and  
 6

7                   (B) by amending paragraph (3) to read as  
 8                   follows:

9                   “(3) Service in a joint duty assignment in a  
 10                  case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).”;

14                  (2) in subsection (e), by amending paragraph  
 15                  (2) to read as follows:

16                  “(2) In computing the average length of joint  
 17                  duty assignments for purposes of paragraph (1), the  
 18                  Secretary may exclude the following service:

19                         “(A) Service described in subsection (c).

20                         “(B) Service described in subsection (d).

21                         “(C) Service described in subsection  
 22                         (f)(6).”;

23                         (3) in subsection (f)—

24                                 (A) by amending paragraphs (3) and (4)  
 25                                 to read as follows:



1           “(3) Accrued joint experience in joint duty as-  
2           signments as described in subsection (g).

3           “(4) A joint duty assignment outside the  
4           United States or in Alaska or Hawaii for which the  
5           normal accompanied-by-dependents tour of duty is  
6           prescribed by regulation to be at least two years in  
7           length, if the officer serves in the assignment for a  
8           period equivalent to the accompanied-by-dependents  
9           tour length.”; and

10                 (B) by amending paragraph (6) to read as  
11           follows:

12           “(6) A second and subsequent joint duty as-  
13           signment that is less than the period required under  
14           subsection (a), but not less than two years.”;

15           (4) by striking subsection (g) and inserting the  
16           following:

17           “(g) ACCRUED JOINT EXPERIENCE.—For the pur-  
18           poses of subsection (f)(3), joint experience (e.g., tem-  
19           porary duty in joint assignments, joint individual training,  
20           and participation in joint exercises) as prescribed in regu-  
21           lations by the Secretary of Defense, with the advice of the  
22           Chairman of the Joint Chiefs of Staff, may be aggregated  
23           to equal a full tour of duty.”;

24           (5) in subsection (h)—

1 (A) by amending paragraph (1) to read as  
 2 follows:

3 “(1) The Secretary of Defense may award con-  
 4 structive credit in the case of an officer (other than  
 5 a general or flag officer) who, for reasons of military  
 6 necessity, is reassigned from a joint duty assignment  
 7 within 60 days of meeting the tour length criteria  
 8 prescribed in subsection (f)(1), (f)(2), or (f)(4). The  
 9 amount of constructive service that may be credited  
 10 to such officer shall be the amount sufficient for the  
 11 completion of the applicable tour of duty require-  
 12 ment, but in no case more than 60 days.”; and

13 (B) by striking paragraph (3); and

14 (6) by striking subsection (i).

15 **SEC. 504. STREAMLINING LANGUAGE OF JOINT DUTY RE-**  
 16 **QUIREMENTS FOR PROMOTION TO GENERAL**  
 17 **OR FLAG OFFICER.**

18 (a) IN GENERAL.—Section 619a of title 10, United  
 19 States Code, is amended—

20 (1) in the heading, by striking “**joint duty**  
 21 **assignment**” and inserting “**Joint Qualified**  
 22 **Office designation**”;

23 (2) by amending subsection (a) to read as fol-  
 24 lows:

1       “(a) GENERAL RULE.—An officer on the active-duty  
 2 list of the Army, Navy, Air Force, or Marine Corps may  
 3 not be appointed to the grade of brigadier general or rear  
 4 admiral (lower half) unless the officer has been designated  
 5 as a Joint Qualified Officer in accordance with section 661  
 6 of this title.”;

7               (3) in subsection (b)—

8                       (A) by striking “paragraph (1) or para-  
 9 graph (2) of subsection (a), or both paragraphs  
 10 (1) and (2) of subsection (a),” in the matter  
 11 preceding paragraph (1) and inserting “sub-  
 12 section (a)”;

13                      (B) in paragraph (4), by striking “within  
 14 that immediate organization is not less than  
 15 two years” and inserting “is not less than two  
 16 years, and if the officer has successfully com-  
 17 pleted a program of education as described in  
 18 subsections (b) and (c) of section 2155 of this  
 19 title”;

20               (4) by striking subsection (h).

21       (b) CLERICAL AMENDMENT.—The table of sections  
 22 at the beginning of subchapter II of chapter 36 of such  
 23 title is amended by striking the item relating to section  
 24 619a and inserting the following new item:

“619a. Eligibility for consideration for promotion: Joint Qualified Officer des-  
 ignation required before promotion to general or flag grade; ex-  
 ceptions.”.

1 **SEC. 505. TECHNICAL CHANGES TO “JOINT SPECIALTY”**

2 **TERMINOLOGY.**

3 (a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION  
4 OF JOINT PROFESSIONAL MILITARY EDUCATION.—Sec-  
5 tion 663 of title 10, United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in the heading, by striking “JOINT  
8 SPECIALTY OFFICERS.—” and inserting  
9 “JOINT QUALIFIED OFFICERS.—”; and

10 (B) by striking “officer with the joint spe-  
11 cialty” and inserting “Joint Qualified Officer”;  
12 and

13 (2) in subsection (b)(1), by striking “do not  
14 have the joint specialty” and inserting “are not des-  
15 ignated as Joint Qualified Officers”.

16 (b) PROCEDURES FOR MONITORING CAREERS OF  
17 JOINT OFFICERS.—Section 665 of such title is amended—

18 (1) in subsection (a)(1)(A), by striking “officers  
19 with the joint specialty” and inserting “Joint Quali-  
20 fied Officers”; and

21 (2) in subsection (b)(1), by striking “officers  
22 with the joint specialty” and inserting “Joint Quali-  
23 fied Officers”.

1 **SEC. 506. CONFORMING CHANGES TO “JOINT SPECIALTY”**

2 **TERMINOLOGY.**

3 Section 667 of title 10, United States Code, is  
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking “se-  
7 lected for the joint specialty” and inserting  
8 “designated as a Joint Qualified Officer”; and

9 (B) in subparagraph (B), by striking “se-  
10 lection for the joint specialty” and inserting  
11 “designation as a Joint Qualified Officer”;

12 (2) in paragraph (2), by striking “officers with  
13 the joint specialty” and inserting “Joint Qualified  
14 Officers”;

15 (3) in paragraph (3), by striking “selected for  
16 the joint specialty” each place it appears and insert-  
17 ing “designated as Joint Qualified Officers”;

18 (4) in paragraph (4)—

19 (A) in subparagraph (A), by striking “se-  
20 lected for the joint specialty” and inserting  
21 “designated as Joint Qualified Officers”; and

22 (B) by amending subparagraph (B) to read  
23 as follows:

24 “(B) a comparison of the number of offi-  
25 cers who were designated as a Joint Qualified  
26 Officer who had served in a Joint Duty Assign-

1           ment List billet and completed Joint Profes-  
2           sional Military Education Phase II, with the  
3           number designated as a Joint Qualified Officer  
4           based on their aggregated joint experiences and  
5           completion of Joint Professional Military Edu-  
6           cation Phase II.”;

7           (5) by striking paragraph (5);

8           (6) by amending paragraph (6) to read as fol-  
9       lows:

10           “(6) The promotion rate for Joint Qualified Of-  
11       ficers, compared with the promotion for other offi-  
12       cers considered for promotion from within the pro-  
13       motion zone in the same pay grade and the same  
14       competitive category. A similar comparison will be  
15       made for officers both below the promotion zone and  
16       above the promotion zone.”;

17           (7) by striking paragraphs (7), (8), and (9);

18           (8) in paragraph (10), by striking “selection for  
19       the joint specialty” and inserting “designation as a  
20       Joint Qualified Officer”;

21           (9) by striking paragraph (13); and

22           (10) by amending paragraph (16) to read as  
23       follows:

24           “(16) The number of officers, captain (or in the  
25       case of the Navy, lieutenant) and above, certified at

1 each level of joint qualification as established in reg-  
 2 ulation and policy by the Secretary of Defense with  
 3 the advice of the Chairman of the Joint Chiefs of  
 4 Staff. Such numbers shall be reported by service and  
 5 grade of the officer.”.

6 **SEC. 507. INCREASED TENURE FOR LIEUTENANT GEN-**  
 7 **ERALS.**

8 Section 14508 of title 10, United States Code, is  
 9 amended—

- 10 (1) by redesignating subsections (c), (d), and  
 11 (e) as subsections (d), (e) and (g), respectively; and  
 12 (2) by inserting after subsection (b) the fol-  
 13 lowing new subsection (c):

14 “(c) **THIRTY-EIGHT YEARS OF SERVICE FOR LIEU-**  
 15 **TENANT GENERALS AND VICE ADMIRALS.**—Unless re-  
 16 tired, Retired Reserve, or discharged at an earlier date,  
 17 each Reserve officer of the Army, Air Force, or Marine  
 18 Corps in the grade of lieutenant general, and each Reserve  
 19 officer of the Navy in the grade of vice admiral shall be  
 20 separated in accordance with section 14514 of this title  
 21 on the later of the following:

- 22 “(1) 30 days after completion of 38 years of  
 23 commissioned service; or

1 “(2) the fifth anniversary of the date of the of-  
 2 ficer’s appointment in the grade of lieutenant gen-  
 3 eral or vice admiral.”; and

4 (3) by inserting after subsection (e) the fol-  
 5 lowing new subsection (f):

6 “(f) RETENTION OF LIEUTENANT GENERALS.—A  
 7 Reserve officer of the Army or Air Force in the grade of  
 8 lieutenant general who would otherwise be removed from  
 9 an active status under subsection (b) may in the discretion  
 10 of the Secretary of the Army or the Secretary of the Air  
 11 Force, as the case may be, be retained in an active status,  
 12 but not later than the date on which the officer becomes  
 13 66 years of age.”.

## 14 **Subtitle B—Reserve Component** 15 **Matters**

### 16 **SEC. 511. EXTENSION OF RETENTION ON THE RESERVE AC-** 17 **TIVE STATUS LIST OF MILITARY TECHN-** 18 **CIANS (DUAL STATUS) UNTIL AGE 60.**

19 Section 10216(f) of title 10, United States Code, is  
 20 amended by striking “of the Army” and inserting “con-  
 21 cerned”.



1 **SEC. 512. INCREASE AGE LIMITATION OF RESERVE COMPO-**  
 2 **NENT CHAPLAINS AND MEDICAL OFFICERS**  
 3 **BEYOND AGE 64.**

4 (a) RESERVE CHAPLAINS AND MEDICAL OFFI-  
 5 CERS.—Section 14703(b) of title 10, United States Code,  
 6 is amended by striking “67 years” and inserting “68  
 7 years”.

8 (b) NATIONAL GUARD CHAPLAINS AND MEDICAL OF-  
 9 FICERS.—Section 324(a) of title 32, United States Code,  
 10 is amended—

11 (1) by striking “or” at the end of paragraph  
 12 (1);

13 (2) by redesignating paragraph (2) as para-  
 14 graph (3); and

15 (3) by inserting after paragraph (1) the fol-  
 16 lowing new paragraph (2):

17 “(2) in the case of a chaplain or medical officer,  
 18 he becomes 68 years of age; or,”.

19 **SEC. 513. CONFORMING AMENDMENTS TO INCREASE THE**  
 20 **MANDATORY RETIREMENT AGE FOR RE-**  
 21 **SERVE OFFICERS.**

22 (a) SELECTIVE SERVICE AND UNITED STATES PROP-  
 23 erty AND FISCAL OFFICERS.—Section 12647 of title 10,  
 24 United States Code, is amended by striking “60 years”  
 25 and inserting “62 years”.

26 (b) RETENTION OF RESERVE OFFICERS.—

1 (1) INCREASED AGE.—Section 14702(b) of such  
 2 title is amended by striking “60 years” and insert-  
 3 ing “62 years”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) The heading for such section is amend-  
 6 ed by striking “60” and inserting “62”.

7 (B) The heading for subsection (b) of such  
 8 section is amended by striking “60” and insert-  
 9 ing “62”.

10 (3) CLERICAL AMENDMENT.—The table of sec-  
 11 tions at the beginning of chapter 1409 of such title  
 12 is amended by striking the item relating to section  
 13 14702 and inserting the following new item:

“14702. Retention on Reserve active-status list of certain officers until age 62.”.

14 **SEC. 514. AUTHORITY TO REQUIRE THE UNIFORM BY MILI-**  
 15 **TARY TECHNICIANS (DUAL STATUS).**

16 Section 10216(a) of title 10, United States Code, is  
 17 amended by adding at the end the following new para-  
 18 graph:

19 “(4) Under regulations prescribed by the Sec-  
 20 retary concerned, the Secretary may require a mili-  
 21 tary technician (dual status), while performing du-  
 22 ties as a military technician (dual status), to wear  
 23 the uniform appropriate for the member’s grade and  
 24 component of the Armed Forces.”.

1 **SEC. 515. NATIONAL GUARD OFFICERS IN FEDERAL AND**  
 2 **FEDERALLY FUNDED STATE STATUS.**

3 Section 325 of title 32, United States Code, is  
 4 amended—

5 (1) in subsection (a)(2), by striking “in com-  
 6 mand of a National Guard unit”;

7 (2) by redesignating subsection (b) as sub-  
 8 section (d); and

9 (3) by inserting after subsection (a) the fol-  
 10 lowing new subsections:

11 “(b) **ADVANCE AUTHORIZATION AND CONSENT.**—  
 12 The President and Governor of the State or Territory or  
 13 Puerto Rico, or the commanding general of the District  
 14 of Columbia National Guard, as the case may be, respec-  
 15 tively, may give the authorization and consent required by  
 16 subsection (a)(2), in advance, for the purpose of estab-  
 17 lishing the succession of command of a unit.

18 “(c) **NATIONAL GUARD DUTIES.**—An officer who is  
 19 not relieved from duty in the National Guard while serving  
 20 on active duty pursuant to subsection (a)(2) may perform  
 21 any duty authorized to be performed by the laws of his  
 22 State or Territory, Puerto Rico, or the District of Colum-  
 23 bia, as the case may be, by the National Guard without  
 24 regard to the limitations imposed by section 1385 of title  
 25 18, provided the officer is exercising those duties in his  
 26 status as a member of the National Guard and not in his

1 status as a member of the National Guard of the United  
2 States.”.

3 **SEC. 516. CLARIFICATION OF AUTHORITY TO CONSIDER**  
4 **FOR A VACANCY PROMOTION NATIONAL**  
5 **GUARD OFFICERS ORDERED TO ACTIVE DUTY**  
6 **DURING A CONTINGENCY OPERATION.**

7 Section 14317 of title 10, United States Code, is  
8 amended—

9 (1) in subsection (d), by inserting before the pe-  
10 riod at the end of the first sentence the following:  
11 “, or the officer has been ordered to or is serving on  
12 active duty in support of a contingency operation”;  
13 and

14 (2) in subsection (e)(1)(B), by inserting “, or  
15 by examination for Federal recognition under title  
16 32” after “title”.

17 **Subtitle C—Education and**  
18 **Training**

19 **SEC. 521. AWARDING OF MASTER OF ARTS IN STRATEGIC**  
20 **SECURITY STUDIES.**

21 (a) IN GENERAL.—Section 2163 of title 10, United  
22 States Code, is amended—

23 (1) by striking the heading and inserting the  
24 following:

1 **“§ 2163. National Defense University: master’s degree**  
 2 **programs”;**

3 (2) in subsection (a), by inserting “or master of  
 4 arts” after “science”; and

5 (3) in subsection (b), by adding at the end the  
 6 following new paragraph:

7 “(4) MASTER OF ARTS IN STRATEGIC SECURITY  
 8 STUDIES.—The degree of master of arts in strategic  
 9 security studies, to graduates of the University who  
 10 fulfill the requirements of the program at the School  
 11 for National Security Executive Education.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of chapter 108 of such title is amended  
 14 by striking the item relating to section 2163 and inserting  
 15 the following new item:

“2163. National Defense University: master’s degree programs.”.

16 (c) APPLICABILITY TO 2006–2008 GRADUATES.—  
 17 Paragraph (4) of section 2163(b) of title 10, United  
 18 States Code, as added by subsection (a) of this section,  
 19 shall apply to any person who becomes a graduate on or  
 20 after September 6, 2006.

1 **SEC. 522. TUITION REIMBURSEMENT AND USE OF FUNDS**  
2 **AT THE UNITED STATES AIR FORCE INSTI-**  
3 **TUTE OF TECHNOLOGY.**

4 Section 9314(c) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graphs:

7 “(4)(A) To cover the costs of their attendance,  
8 the Air Force Institute of Technology shall charge  
9 tuition for students who are not—

10 “(i) members of the Armed Forces under  
11 paragraphs (1) through (3); nor

12 “(ii) attending the Institute under Depart-  
13 ment of the Air Force sponsorship.

14 The organization sending such a student shall bear  
15 the costs of tuition for that student.

16 “(B) The students covered by subparagraph (A)  
17 include civilian employees from military departments  
18 other than the Air Force, other Department of De-  
19 fense agencies, other Federal agencies, and private  
20 (non-governmental) entities.

21 “(5) Amounts received by the Institute for in-  
22 struction of students enrolled under this section  
23 shall be retained by the Institute to defray the costs  
24 of such instruction. The source and disposition of  
25 such funds shall be specifically identified in the  
26 records of the Institute.”.

1 **SEC. 523. EXPANDED AUTHORITY TO AWARD DEGREES.**

2 (a) UNITED STATES ARMY WAR COLLEGE.—(1) The  
3 text of section 4321 of title 10, United States Code, is  
4 amended to read as follows:

5 “Under regulations prescribed by the Secretary of the  
6 Army, the Commandant of the United States Army War  
7 College may, upon recommendation of the faculty of the  
8 college, confer appropriate degrees upon graduates of the  
9 college who meet the degree requirements consistent with  
10 the recommendations of the United States Department of  
11 Education and principles of the regional accrediting  
12 body.”.

13 (2) The heading for such section is amended by strik-  
14 ing “**: master of strategic studies degree**”.

15 (3) The table of sections at the beginning of chapter  
16 401 of such title is amended by striking the item relating  
17 to section 4321 and inserting the following new item:

“4321. United States Army War College.”.

18 (b) UNITED STATES ARMY COMMAND AND GENERAL  
19 STAFF COLLEGE.—The text of section 4314 of such title  
20 is amended to read as follows:

21 “Under regulations prescribed by the Secretary of the  
22 Army, the Commandant of the United States Army Com-  
23 mand and General Staff College may, upon recommenda-  
24 tion of the faculty of the college, confer appropriate de-  
25 grees upon graduates of the college who meet the degree

1 requirements consistent with the recommendations of the  
 2 United States Department of Education and principles of  
 3 the regional accrediting body.”.

4 (c) MARINE CORPS UNIVERSITY.—(1) Section 7102  
 5 of such title is amended—

6 (A) by striking subsections (a), (b), (c), and (d)  
 7 and inserting the following new subsection (a):

8 “(a) AUTHORITY.—Under regulations prescribed by  
 9 the Secretary of the Navy, the President of the Marine  
 10 Corps University may, upon recommendation of the fac-  
 11 ulty of a school or college of Marine Corps University, con-  
 12 fer appropriate degrees upon graduates of the school or  
 13 college who meet the degree requirements consistent with  
 14 the recommendations of the United States Department of  
 15 Education and principles of the regional accrediting  
 16 body.”;

17 (B) by redesignating subsection (e) as sub-  
 18 section (b); and

19 (C) by striking “**masters degrees**” in the  
 20 heading and inserting “**authority**”.

21 (2) The table of sections at the beginning of chapter  
 22 401 of such title is amended by striking the item relating  
 23 to section 7102 and inserting the following new title:

“7102. Marine Corps University: authority; board of advisors.”.



1       (d) UNITED STATES AIR FORCE INSTITUTE OF  
2 TECHNOLOGY.—Section 9314(a) of such title is amended  
3 to read as follows:

4       “(a) AUTHORITY.—Under regulations prescribed by  
5 the Secretary of the Air Force, the Commander of Air  
6 University may, upon recommendation of the faculty of  
7 the United States Air Force Institute of Technology, con-  
8 fer appropriate degrees upon graduates of those programs  
9 who meet the degree requirements consistent with the rec-  
10 ommendations of the United States Department of Edu-  
11 cation and principles of the regional accrediting body.”.

12       (e) AIR UNIVERSITY.—The text of section 9317 of  
13 such title is amended to read as follows:

14       “Under regulations prescribed by the Secretary of the  
15 Air Force, the Commander of Air University may, upon  
16 recommendation of the faculty of the Air Force programs,  
17 confer appropriate degrees upon graduates of those pro-  
18 grams who meet the degree requirements consistent with  
19 the recommendations of the United States Department of  
20 Education and principles of the regional accrediting  
21 body.”.

1 **SEC. 524. AUTHORITY TO PRESCRIBE AUTHORIZED**  
 2 **STRENGTH FOR THE UNITED STATES NAVAL**  
 3 **ACADEMY.**

4 Section 6954 of title 10, United States Code, is  
 5 amended—

6 (1) in subsection (a)—

7 (A) by striking “4,000 or such higher  
 8 number” and inserting “4,400 or such lower  
 9 number”;

10 (B) by striking “under subsection (h)”;  
 11 and

12 (C) by striking “limitation” and inserting  
 13 “prescription”; and

14 (2) by striking subsection (h).

15 **Subtitle D—General Service**  
 16 **Authorities**

17 **SEC. 531. CHANGE IN REQUIREMENT FOR POSTHUMOUS**  
 18 **CERTIFICATION.**

19 (a) POSTHUMOUS COMMISSIONS.—Section 1521 of  
 20 title 10, United States Code, is amended—

21 (1) in subsection (a), by striking “in line of  
 22 duty” each place it appears; and

23 (2) by adding at the end the following new sub-  
 24 section:

25 “(c) A commission issued under subsection (a) shall  
 26 require certification by the Secretary of the military de-

1 partment concerned that at the time of death the member  
 2 was qualified for appointment to the next higher grade.”.

3 (b) POSTHUMOUS WARRANTS.—Section 1522(a) of  
 4 such title is amended—

5 (1) by striking “in line of duty”; and

6 (2) by adding at the end the following new sen-  
 7 tence: “Warrants issued under this subsection shall  
 8 require a finding by the Secretary of the military de-  
 9 partment concerned that at the time of death the  
 10 member was qualified for appointment to the next  
 11 higher grade.”.

12 **SEC. 532. RAISE MAXIMUM REENLISTMENT TERM.**

13 (a) IN GENERAL.—Section 505(d) of title 10, United  
 14 States Code, is amended—

15 (1) in paragraph (2), by striking “six” and in-  
 16 serting “eight”; and

17 (2) in paragraph (3)(A), by striking “six” and  
 18 inserting “eight”.

19 (b) CONFORMING AMENDMENT.—Section  
 20 308(a)(2)(ii) of title 37, United States Code, is amended  
 21 by striking “six” and inserting “eight”.

1           **Subtitle E—Other Matters**

2   **SEC. 541. CIVIL LIABILITY FOR NONCOMPLIANCE AND EN-**  
 3                   **FORCEMENT OF SERVICEMEMBERS CIVIL RE-**  
 4                   **LIEF ACT.**

5           (a) GENERAL CIVIL LIABILITY AND ENFORCE-  
 6   MENT.—The Servicemembers Civil Relief Act (50 U.S.C.  
 7   App. 501 et seq.) is amended by adding at the end the  
 8   following new title:

9   **“TITLE VIII—CIVIL LIABILITY**  
 10       **FOR NONCOMPLIANCE AND**  
 11       **ENFORCEMENT**

12   **“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

13           “(a) ENFORCEMENT BY ATTORNEY GENERAL.—The  
 14   Attorney General may commence a civil action in any ap-  
 15   propriate United States District Court whenever the At-  
 16   torney General has reasonable cause to believe that—

17                   “(1) any person or group of persons is engaged  
 18       in, or has engaged in, a pattern or practice of con-  
 19       duct in violation of any provision of this Act; or

20                   “(2) any person or group of persons is denying,  
 21       or has denied, any person or group of persons any  
 22       protection afforded by any provision of this Act, and  
 23       such denial raises an issue of general public impor-  
 24       tance.

1       “(b) RELIEF WHICH MAY BE GRANTED IN CIVIL AC-  
 2 TIONS.—In a civil action under subsection (a), the court  
 3 may—

4           “(1) enter any temporary restraining order,  
 5 temporary or permanent injunction, or other order  
 6 as may be appropriate;

7           “(2) award monetary damages to a  
 8 servicemember, dependent, or other person protected  
 9 by any provision of this Act who is harmed by the  
 10 failure to comply with any provision of this Act, in-  
 11 cluding actual and punitive damages; and

12           “(3) to vindicate the public interest, assess a  
 13 civil penalty against each defendant—

14           “(A) in an amount not exceeding \$55,000  
 15 for a first violation; and

16           “(B) in an amount not exceeding \$110,000  
 17 for any subsequent violation.

18       “(c) INTERVENTION IN CIVIL ACTIONS.—Upon time-  
 19 ly application, a servicemember, dependent, or other per-  
 20 son protected by any provision of this Act may intervene  
 21 in a civil action commenced by the Attorney General which  
 22 involves an alleged violation of this Act with respect to  
 23 which such person claims to be harmed. The court may  
 24 grant to any such intervening party such appropriate relief  
 25 as is authorized under subsection (b)(1) or (b)(2). The

1 court may, in its discretion, allow an intervening party  
 2 who is a prevailing party reasonable attorney’s fees and  
 3 costs.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 in section 1(b) of the Servicemembers Civil Relief Act is  
 6 amended by adding at the end the following:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND  
 ENFORCEMENT

“Sec. 801. Enforcement by the Attorney General.”.

7 **TITLE VI—COMPENSATION AND**  
 8 **OTHER PERSONNEL BENEFITS**  
 9 **Subtitle A—Bonuses and Special**  
 10 **and Incentive Pays**

11 **SEC. 601. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
 12 **SPECIAL PAYS FOR RESERVE FORCES.**

13 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
 14 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
 15 302g(e) of title 37, United States Code, is amended by  
 16 striking “December 31, 2008” and inserting “December  
 17 31, 2009”.

18 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
 19 Section 308b(g) of such title is amended by striking “De-  
 20 cember 31, 2008” and inserting “December 31, 2009”.

21 (c) SELECTED RESERVE AFFILIATION OR ENLIST-  
 22 MENT BONUS.—Section 308c(i) of such title is amended

1 by striking “December 31, 2008” and inserting “Decem-  
2 ber 31, 2009”.

3 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
4 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
5 308d(c) of such title is amended by striking “December  
6 31, 2008” and inserting “December 31, 2009”.

7 (e) READY RESERVE NON-PRIOR SERVICE ENLIST-  
8 MENT BONUS.—Section 308g(f)(2) of such title is amend-  
9 ed by striking “December 31, 2008” and inserting “De-  
10 cember 31, 2009”.

11 (f) READY RESERVE ENLISTMENT AND REENLIST-  
12 MENT BONUS.—Section 308h(e) of such title is amended  
13 by striking “December 31, 2008” and inserting “Decem-  
14 ber 31, 2009”.

15 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-  
16 tion 308i(f) of such title is amended by striking “Decem-  
17 ber 31, 2008” and inserting “December 31, 2009”.

18 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
19 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
20 LECTED RESERVE.—Section 16302(d) of title 10, United  
21 States Code, is amended by striking “January 1, 2009”  
22 and inserting “January 1, 2010”.

1 **SEC. 602. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
2 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
3 **HEALTH CARE PROFESSIONALS.**

4 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
5 GRAM.—Section 2130a(a)(1) of title 10, United States  
6 Code, is amended by striking “December 31, 2008” and  
7 inserting “December 31, 2009”.

8 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
9 Section 302d(a)(1) of title 37, United States Code, is  
10 amended by striking “December 31, 2008” and inserting  
11 “December 31, 2009”.

12 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
13 THETISTS.—Section 302e(a)(1) of such title is amended  
14 by striking “December 31, 2008” and inserting “Decem-  
15 ber 31, 2009”.

16 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—  
17 Section 302h(a)(1) of such title is amended by striking  
18 “December 31, 2008” and inserting “December 31,  
19 2009”.

20 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
21 Section 302j(a) of such title is amended by striking “De-  
22 cember 31, 2008” and inserting “December 31, 2009”.

23 (f) ACCESSION BONUS FOR MEDICAL OFFICERS IN  
24 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
25 302k(f) of such title is amended by striking “December  
26 31, 2008” and inserting “December 31, 2009”.



1 (g) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
 2 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—  
 3 Section 302l(g) of such title is amended by striking “De-  
 4 cember 31, 2008” and inserting “December 31, 2009”.

5 **SEC. 603. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
 6 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
 7 **CERS.**

8 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
 9 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
 10 312(f) of title 37, United States Code, is amended by  
 11 striking “December 31, 2008” and inserting “December  
 12 31, 2009”.

13 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
 14 312b(c) of such title is amended by striking “December  
 15 31, 2008” and inserting “December 31, 2009”.

16 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
 17 BONUS.—Section 312c(d) of such title is amended by  
 18 striking “December 31, 2008” and inserting “December  
 19 31, 2009”.

20 **SEC. 604. DIRECT ACCESSION BONUS FOR PSYCHOLOGY OF-**  
 21 **FICERS.**

22 (a) IN GENERAL.—Chapter 5 of title 37, United  
 23 States Code, is amended by inserting after section 302l  
 24 the following new section:

1 **“§ 302m. Special pay: accession bonus for psychology**  
2 **officers**

3 “(a) ACCESSION BONUS AUTHORIZED.—A person  
4 who is a fully licensed psychologist and who executes a  
5 written agreement described in subsection (d) to accept  
6 a commission as an officer of the Armed Forces and re-  
7 main on active duty for a period of not less than four con-  
8 secutive years may, upon the acceptance of the agreement  
9 by the Secretary concerned, be paid an accession bonus  
10 in the amount determined by the Secretary concerned.

11 “(b) AMOUNT OF BONUS.—The amount of an acces-  
12 sion bonus under subsection (a) may not exceed \$70,000.

13 “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
14 person may not be paid a bonus under subsection (a) if—

15 “(1) the person, in exchange for an agreement  
16 to accept an appointment as an officer, received fi-  
17 nancial assistance from the Department of Defense  
18 to pursue a course of study in psychology; or

19 “(2) the Secretary concerned determines that  
20 the person is not qualified to become and remain  
21 certified as a psychologist.

22 “(d) AGREEMENT.—The agreement referred to in  
23 subsection (a) shall provide that, consistent with the needs  
24 of the armed force concerned, the person executing the  
25 agreement will be assigned to duty, for the period of obli-  
26 gated service covered by the agreement, as an officer of

1 the Medical Service Corps of the Army or the Navy or  
 2 as an officer of the Air Force designated as a biomedical  
 3 sciences officer.

4 “(e) REPAYMENT.—A person who, after executing an  
 5 agreement under subsection (a), is not commissioned as  
 6 an officer of the Armed Forces, does not become licensed  
 7 as a psychologist, or does not complete the period of active  
 8 duty in a specialty specified in the agreement shall be sub-  
 9 ject to the repayment provisions of section 303a(e) of this  
 10 title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of such chapter is amended by inserting  
 13 after the item relating to section 302l the following new  
 14 item:

“302m. Special pay: accession bonus for psychology officers.”.

15 **SEC. 605. EXTENDING MAXIMUM LENGTH OF NUCLEAR OF-**  
 16 **FICER INCENTIVE PAY AGREEMENTS FOR**  
 17 **SERVICE.**

18 Section 312(a)(3) of title 37, United States Code, is  
 19 amended by striking “three, four, or five” and inserting  
 20 “not less than three”.

## **Subtitle B—Travel and Transportation Allowances**

**SEC. 611. TRAVEL AND TRANSPORTATION ALLOWANCES  
FOR CERTAIN FAMILY MEMBERS AND THE  
PERSON DESIGNATED TO DIRECT THE DIS-  
POSITION OF THE DECEASED’S REMAINS TO  
ATTEND THE BURIAL CEREMONY OR MEMO-  
RIAL SERVICE OF MEMBERS WHO DIE ON  
DUTY.**

(a) UNCONDITIONAL ELIGIBILITY OF MINOR SIB-  
LINGS.—Section 411f(c)(1) of title 37, United States  
Code, is amended by adding at the end the following new  
subparagraph:

“(D) Any unmarried brother or sister of  
the deceased member who is under 21 years of  
age, or if age 21 or more a dependent child of  
the parent or parents of the deceased member,  
as determined under regulations prescribed  
under subsection (f).”.

(b) UNCONDITIONAL ELIGIBILITY OF PERSON DI-  
RECTING DISPOSITION OF REMAINS.—Subsection (a) of  
such section is amended by adding at the end the following  
new paragraph:

“(3) The person who directs the disposition of  
the remains of the deceased member under section

1       1482(c) of title 10, or, in the case of a deceased  
 2       member whose remains are commingled and buried  
 3       in a common grave in a national cemetery, the per-  
 4       son who would have been designated under such sec-  
 5       tion to direct the disposition of the remains if indi-  
 6       vidual identification had been made.”; and

7       (c) CONFORMING AMENDMENT.—Subsection (c)(2)  
 8       of such section is amended by striking “to—” and all that  
 9       follows through “(B)” and inserting “to up to two addi-  
 10      tional persons closely related to the deceased member who  
 11      are selected by the person referred to under subsection  
 12      (a)(3)”.

## 13                   **Subtitle C—Retired Pay and** 14                   **Survivor Benefits**

### 15   **SEC. 621. WAIVER OF RECOUPMENT OF OVERPAYMENTS OF** 16                   **RETIRED PAY TO SPOUSE OR FORMER** 17                   **SPOUSE AS A RESULT OF RETROACTIVE DIS-** 18                   **ABILITY DETERMINATION.**

19       Section 2774 of title 10, United States Code, is  
 20       amended by adding at the end the following new sub-  
 21       section:

22       “(g)(1) The Director of the Office of Management  
 23       and Budget or the Secretary concerned, as the case may  
 24       be, shall waive any claim for overpayment against a spouse  
 25       or former spouse of a member if—

1           “(A) the payment was disposable retired  
2 pay that, pursuant to section 1408 of this title,  
3 a court treated as property for the purpose of  
4 issuing a final decree of divorce, dissolution, an-  
5 nulment, or legal separation, including a court  
6 ordered, ratified, or approved property settle-  
7 ment incident to such decree; and

8           “(B) the claim for overpayment is attrib-  
9 utable to a determination of entitlement to dis-  
10 ability compensation under title 38.

11       “(2) In this section:

12           “(A) The term ‘court’ has the meaning  
13 given such term in section 1408(a)(1) of this  
14 title.

15           “(B) The term ‘disposable retired pay’ has  
16 the meaning given such term in section  
17 1408(a)(4) of this title.

18           “(C) The term ‘final decree’ has the mean-  
19 ing given such term in section 1408(a)(3) of  
20 this title.

21           “(D) The term ‘member’ has the meaning  
22 given such term in section 1408(a)(5) of this  
23 title.

1           “(E) The term ‘spouse or former spouse’  
 2           has the meaning given such term in section  
 3           1408(a)(6) of this title.”.

4 **SEC. 622. SURVIVOR BENEFIT PLAN: EXTENSION OF PE-**  
 5 **RIOD FOR ELECTION DEEMED TO HAVE BEEN**  
 6 **MADE.**

7           (a) IN GENERAL.—Section 1450(f)(3)(C) of title 10,  
 8           United States Code, is amended by striking “one year”  
 9           and inserting “five years”.

10          (b) EFFECTIVE DATE.—The amendment made by  
 11           this section shall apply with respect to divorces, dissolu-  
 12           tions, annulments, or legal separations that become effec-  
 13           tive after the end of the 90-day period beginning on the  
 14           date of enactment of this Act.

15 **SEC. 623. SURVIVOR BENEFIT PLAN: MULTIPLE BENE-**  
 16 **FICIARIES.**

17           (a) PERMIT SPOUSE AND FORMER SPOUSE COV-  
 18           ERAGE.—Section 1448(b)(2) of title 10, United States  
 19           Code, is amended—

20           (1) in subparagraph (B)—

21                   (A) by striking “prevents payment” and  
 22                   inserting “reduces the amount”; and

23                   (B) by striking “including payment” and  
 24                   inserting “including the amount of an annuity”;  
 25                   and

1           (2) in subparagraph (C), by striking “which  
 2       former spouse is to be provided the annuity” and in-  
 3       serting “the base amount applicable in determining  
 4       the amount of the annuity of each former spouse”.

5       (b) PERMIT SPOUSE AND FORMER SPOUSE ANNU-  
 6 ITIES.—Section 1450(a)(1) of such title is amended to  
 7 read as follows:

8           “(1) SURVIVING SPOUSE AND FORMER  
 9       SPOUSE(S).—The eligible surviving spouse and every  
 10      eligible former spouse.”.

11      (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE  
 12 CASE OF MULTIPLE BENEFICIARIES.—Section 1452 of  
 13 such title is amended by adding at the end the following  
 14 new subsection:

15      “(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF  
 16 MULTIPLE BENEFICIARIES.—When a participant in the  
 17 Plan has elected to provide an annuity to a spouse and  
 18 to one or more former spouses, reductions in retired pay  
 19 required by subsection (a) shall be made for each annuity  
 20 elected, in an amount based on the base amount applicable  
 21 to each annuity. In the case of a reduction in retired pay  
 22 to provide an annuity to a former spouse to whom pay-  
 23 ment of a portion of a member’s retired pay is being made  
 24 pursuant to a court order under section 1408 of this title,  
 25 such reduction in retired pay shall be deducted from the



1 amounts paid to such member, to such former spouse, or  
2 both, as provided by court order or by agreement of the  
3 parties.”.

4 (d) EFFECTIVE DATE.—The amendments made by  
5 subsections (a), (b), and (c) apply with respect to elections  
6 made on or after the date of enactment of this Act. Any  
7 election to provide an annuity to a spouse or former  
8 spouse who was prevented from being a beneficiary under  
9 the laws in effect before the date of enactment of this Act  
10 shall be made within 180 days following the date of enact-  
11 ment of this Act.

12 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-EL-  
13 IGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1) Sec-  
14 tion 1448(d) of such title is amended—

15 (A) in paragraph (3), by striking “the Sec-  
16 retary—(A) may not pay an annuity under para-  
17 graph (1) or (2); but (B)” and inserting “the Sec-  
18 retary”; and

19 (B) by amending paragraph (5) to read as fol-  
20 lows:

21 “(5) COMPUTATION.—(A) The amount of an  
22 annuity payable to a former spouse pursuant to  
23 paragraph (3) shall be computed on the basis of a  
24 base amount equal to the amount of retired pay  
25 that, under the authority of section 1408(c) of this

1 title, is treated under a court order or spousal agree-  
 2 ment as the property of such former spouse.

3 “(B) The amount of an annuity payable under  
 4 paragraph (1) or (2) shall be computed under sec-  
 5 tion 1451(c) of this title; however, the retired pay  
 6 otherwise applicable with respect to such computa-  
 7 tion shall be reduced by an amount equal to the base  
 8 amount that provides the basis for computing the  
 9 amount of an annuity payable to a former spouse  
 10 under paragraph (3) of this subsection.”.

11 (2) EFFECTIVE DATE.—The amendments made by  
 12 paragraph (1) shall apply with respect to survivors of re-  
 13 tirement-eligible members who die on active duty on or  
 14 after the date of enactment of this Act.

15 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING  
 16 WHEN ELIGIBLE TO ELECT RESERVE COMPONENT AN-  
 17 NUITY.—(1) Section 1448(f) of such title is amended—

18 (A) by striking “the Secretary—(A) may not  
 19 pay an annuity under paragraph (1) or (2); but  
 20 (B)” and inserting “the Secretary”; and

21 (B) by amending paragraph (4) to read as fol-  
 22 lows:

23 “(4) COMPUTATION.—(A) The amount of an  
 24 annuity payable to a former spouse pursuant to  
 25 paragraph (3) shall be computed on the basis of a

1 base amount equal to the amount of retired pay  
 2 that, under the authority of section 1408(c) of this  
 3 title, is treated under a court order or spousal agree-  
 4 ment as the property of such former spouse.

5 “(B) The amount of an annuity payable under  
 6 paragraph (1) or (2) shall be computed under sec-  
 7 tion 1451(c) of this title; however, the retired pay  
 8 otherwise applicable with respect to such computa-  
 9 tion shall be reduced by an amount equal to the base  
 10 amount that provides the basis for computing the  
 11 amount of an annuity payable to a former spouse  
 12 under paragraph (3) of this subsection.”.

13 (2) EFFECTIVE DATE.—The amendments made by  
 14 paragraph (1) shall apply with respect to survivors of per-  
 15 sons eligible to elect reserve component annuity retire-  
 16 ment-eligible members who die on or after the date of en-  
 17 actment of this Act.

18 **SEC. 624. SURVIVOR BENEFIT PLAN: FINANCIAL RESPONSI-**  
 19 **BILITY FOR SURVIVOR BENEFIT PLAN PAR-**  
 20 **TICIPATION.**

21 (a) SPOUSE AND FORMER SPOUSE ANNUITIES.—Sec-  
 22 tion 1452(a) of title 10, United States Code, is amended—

23 (1) in paragraph (1), by inserting “paragraph  
 24 (6) of this subsection or” after “Except as provided  
 25 in”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(6) COURT ORDER.—If a court order requires  
4 the former spouse to pay all or a part of the costs  
5 associated with providing an annuity to the former  
6 spouse, the participant’s retired pay shall not be re-  
7 duced by the portion that the former spouse is re-  
8 quired to pay. The portion of Plan costs that a  
9 former spouse is required to pay pursuant to a  
10 Court order under this paragraph must either be  
11 paid by direct remittance or as a deduction from the  
12 former spouse’s share of the member’s retired pay  
13 that is received by direct payment pursuant to sec-  
14 tion 1408 of this title.”.

15       (b) EFFECTIVE DATE.—The amendment made by  
16 this section shall apply with respect to divorces, dissolu-  
17 tions, annulments, or legal separations that become effec-  
18 tive after the end of the 90-day period beginning on the  
19 date of enactment of this Act.

20 **SEC. 625. SURVIVOR BENEFIT PLAN: PRESUMPTIVE PRO-**  
21 **PORTIONATE SHARE.**

22       (a) PRESUMPTIVE BASE AMOUNT FOR FORMER  
23 SPOUSE.—Section 1447(6) of title 10, United States  
24 Code, is amended by adding at the end the following new  
25 subparagraph:

1                   “(D)     PRESUMPTIVE     PROPORTIONATE  
2                   AMOUNT FOR FORMER SPOUSE.—In the case of  
3                   an annuity provided under the Plan for a  
4                   former spouse, unless otherwise agreed to by  
5                   the member and former spouse or ordered by a  
6                   court, such term means any amount of monthly  
7                   retired pay, which is not less than \$300, pay-  
8                   able to such former spouse as a result of a  
9                   court treating disposable retired pay of a mem-  
10                  ber as the property of the member and his  
11                  spouse under the authority of section 1408(c).”.

12           (b) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply with respect to divorces, dissolu-  
14 tions, annulments, and legal separations that become ef-  
15 fective after the end of the 90-day period beginning on  
16 the date of enactment of this Act.

17 **SEC. 626. REVOCATION OF TEN-YEAR RULE FOR DIRECT**  
18 **PAYMENT OF RETIRED PAY.**

19           (a) REVOCATION OF TEN-YEAR RULE.—Section  
20 1408(d) of title 10, United States Code, is amended—

21                   (1) by striking paragraph (2); and

22                   (2) by redesignating paragraphs (3) through  
23                   (7) as paragraphs (2) through (6), respectively.

24           (b) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on the first day of the first

1 month which begins more than 120 days after the date  
 2 of enactment of this Act and shall apply only to payments  
 3 of retired pay for periods beginning on or after the effec-  
 4 tive date of this section in the case of any former spouse  
 5 of a member or former member of the uniformed services.

6 **SEC. 627. ALLOWING MEMBER TO SUBMIT APPLICATION**  
 7 **FOR DIRECT PAYMENT.**

8 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY  
 9 MEMBER.—Section 1408(d) of title 10, United States  
 10 Code, is amended in the first sentence of paragraph (1)  
 11 by inserting “by a member or former member or the  
 12 spouse or former spouse of such member” after “the Sec-  
 13 retary concerned”.

14 (b) CONDITIONS FOR DIRECT PAYMENT.—Section  
 15 1408(d) of such title is further amended by adding at the  
 16 end the following new paragraph:

17 “(8) A former spouse who accepts payment  
 18 shall be deemed—

19 “(A) to have consented and agreed to the  
 20 recovery of any future overpayments, including  
 21 recovery by involuntary collection from the  
 22 former spouse or his or her estate; and

23 “(B) to have agreed to give prompt notice  
 24 in writing to the Secretary if—

1 “(i) the operative court order upon  
 2 which payment is based is vacated, modi-  
 3 fied, or set aside;

4 “(ii) the former spouse remarries, if  
 5 all or a part of the payment is for alimony;  
 6 or

7 “(iii) the former spouse is ineligible  
 8 for child support payments due to the  
 9 death, emancipation, adoption, or attain-  
 10 ment of majority of a child whose support  
 11 is provided through direct payment to a  
 12 former spouse from retired pay.”.

13 (c) EFFECTIVE DATE.—The amendments made by  
 14 this section shall apply to applications for direct payment  
 15 of retired pay submitted to the Secretary concerned after  
 16 the end of the 90-day period beginning on the date of en-  
 17 actment of this Act.

18 **SEC. 628. DISREGARD PERIODS OF CONFINEMENT FOR DE-**  
 19 **PENDENT VICTIMS OF ABUSE.**

20 (a) DISREGARD PERIODS OF CONFINEMENT FOR DE-  
 21 PENDENT VICTIMS OF ABUSE.—Paragraph (2)(A) of sec-  
 22 tion 1408(h) of title 10, United States Code, is amended  
 23 by inserting “(including any periods of confinement served  
 24 prior to convening authority action on the record of trial  
 25 related to the misconduct that resulted in the termination

1 of eligibility to receive retired pay)” after “on the basis  
2 of years of service”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall be effective as of October 23, 1992,  
5 as if included in section 1408(h) of title 10, United States  
6 Code, as enacted by section 653(a)(2) of the National De-  
7 fense Authorization Act for Fiscal Year 1993 (Public Law  
8 102–484).

9 **SEC. 629. CLARIFYING AMENDMENT REGARDING JURISDIC-**  
10 **TION FOR PURPOSES OF ALLOCATION OF RE-**  
11 **TIRED PAY UNDER THE UNIFORMED SERV-**  
12 **ICES FORMER SPOUSE PROTECTION ACT.**

13 Section 1408(c) of title 10, United States Code, is  
14 amended by striking paragraph (4).

15 **SEC. 630. DIVISION OF RETIRED PAY TO BE BASED ON MEM-**  
16 **BER’S LENGTH OF SERVICE AND PAY GRADE**  
17 **AT TIME OF DIVORCE.**

18 (a) **IN GENERAL.**—Section 1408(c) of title 10,  
19 United States Code, is amended by adding at the end the  
20 following new paragraph:

21 “(5) In the case of a member as to whom a de-  
22 cree of divorce, dissolution, annulment, or legal sepa-  
23 ration becomes final before the date on which the  
24 member begins to receive retired pay, the total  
25 monthly retired pay to which a member is entitled,



1       for purposes of determining ‘disposable retired pay’,  
 2       as defined in paragraph (4) of subsection (a), that  
 3       a court may treat in the manner described in para-  
 4       graph (1), shall be limited to retired pay computed  
 5       based on the pay grade, and the length of service of  
 6       the member while married, that are creditable to-  
 7       ward entitlement to basic pay and to retired pay as  
 8       of the date a marital property interest in retired pay  
 9       terminates. Amounts so calculated shall be increased  
 10      by the cumulative percentage of increases in basic  
 11      pay and retired pay between the date a marital  
 12      property interest in retired pay terminates and the  
 13      effective date of the member’s retirement. Upon re-  
 14      quest and pursuant to regulations, the Secretary  
 15      concerned shall calculate disposable retired pay de-  
 16      scribed in this paragraph.”.

17      (b) **EFFECTIVE DATE.**—The amendment made by  
 18      subsection (a) shall apply with respect to divorces, dissolu-  
 19      tions, annulments, and legal separations that become ef-  
 20      fective after the end of the 90-day period beginning on  
 21      the date of enactment of this Act.

22      **SEC. 631. INCREASES FOR DIVISIONS OF RETIRED PAY EX-**  
 23      **PRESSED AS A DOLLAR AMOUNT.**

24      (a) **MONETARY AMOUNT ADJUSTMENT.**—Section  
 25      1408(a)(2)(C) of title 10, United States Code, is amended

1 by striking “expressed in dollars” and inserting “ex-  
 2 pressed as a specific dollar amount, with such amount,  
 3 if so ordered, being adjusted in the same manner and at  
 4 the same time as retired pay is adjusted to reflect changes  
 5 in the Consumer Price Index under section 1401a of this  
 6 title,”.

7 (b) EFFECTIVE DATE.—The amendment made by  
 8 subsection (a) shall apply with respect to court orders that  
 9 become effective after the end of the 90-day period begin-  
 10 ning on the date of enactment of this Act.

11 **SEC. 632. PROHIBIT COURT-ORDERED PAYMENTS BEFORE**  
 12 **RETIREMENT BASED ON IMPUTATION OF RE-**  
 13 **TIRED PAY.**

14 (a) AUTHORITY.—Section 1408(c)(3) of title 10,  
 15 United States Code, is amended—

16 (1) by inserting “(A)” after “(3)”; and

17 (2) by adding at the end the following new sub-  
 18 paragraph:

19 “(B) A court may not order a member to  
 20 make payments based upon an imputation of a  
 21 property interest in future retired pay of any  
 22 kind to a spouse or former spouse before the  
 23 date of the member’s actual retirement.”.

24 (b) EFFECTIVE DATE.—The amendments made by  
 25 subsection (a) shall apply to final court orders or court

1 orders seeking enforcement of prior final decrees issued  
2 on or after the date of the enactment of this Act.

3 **SEC. 633. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE**  
4 **COURT ORDER UPON REQUEST.**

5 (a) ALLOW MEMBER TO WAIVE NOTICE AND PRO-  
6 VIDE COURT ORDER UPON REQUEST.—Section 1408(g)  
7 of title 10, United States Code, is amended—

8 (1) by striking “A person” and inserting “Un-  
9 less notice is waived by the member, a person”; and

10 (2) by striking “(together with a copy of such  
11 order)” and inserting “and, upon request, a copy of  
12 such order”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to court orders received by the Sec-  
15 retary concerned after the end of the 90-day period begin-  
16 ning on the date of enactment of this Act.

17 **SEC. 634. LUMP SUM PAYMENTS TO FORMER SPOUSES OF**  
18 **MEMBERS OF THE UNIFORMED SERVICES.**

19 (a) AUTHORITY FOR LUMP SUM PAYMENT IN GEN-  
20 ERAL.—(1) IN GENERAL.—Chapter 74 of title 10, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing new section:

1 **“§ 1468. Lump sum payments for certain amounts**  
 2 **payable to former spouse**

3 “(a) If the present value of a periodic amount de-  
 4 scribed in subsection (b) payable to a former spouse does  
 5 not exceed \$5,000, the Secretary concerned shall pay, in  
 6 a lump sum, an amount equal to such present value to  
 7 the former spouse eligible for such benefit.

8 “(b) A periodic amount described in this subsection  
 9 means:

10 “(1) An annuity under the Survivor Benefit  
 11 Plan (subchapter II of chapter 73 of this title).

12 “(2) Payment of retired pay pursuant to a  
 13 court order resulting from the treatment by the  
 14 court under section 1408(c) of this title of dispos-  
 15 able retired pay of a member of the uniformed serv-  
 16 ices as the property of the member and his spouse.

17 “(c) With the consent of the former spouse, the Sec-  
 18 retary concerned may pay, in a lump sum, an amount  
 19 equal to the present value of a periodic amount described  
 20 in subsection (b) in excess of \$5,000.

21 “(d) Payment of a lump sum under subsection (a)  
 22 or (c) of this section shall constitute full payment of the  
 23 amounts described in subsection (b) to the former spouse.

24 “(e) For purposes of this section, the term ‘present  
 25 value’ means the present value calculated by using the  
 26 mortality table, interest rate, and actuarial assumptions

1 pursuant to regulations prescribed by the Secretary of De-  
 2 fense.

3       “(f) If a former spouse eligible for a payment under  
 4 subsection (b) or (c) of this section elects to have all or  
 5 a portion of such payment paid directly to an eligible re-  
 6 tirement plan, and specifies the eligible retirement plan  
 7 to which such payment is to be paid (in such form and  
 8 at such time as the Secretary concerned may prescribe),  
 9 such payment shall be made in the form of a transfer by  
 10 the Secretary concerned to the trustee of the eligible re-  
 11 tirement plan so specified. For purposes of the preceding  
 12 sentence, the term ‘eligible retirement plan’ has the same  
 13 meaning as ‘eligible retirement plan’ for purposes of sec-  
 14 tion 414(v)(2)(B) of the Internal Revenue Code of 1986  
 15 (26 U.S.C. 414(v)(2)(B)).”.

16       (2) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of such chapter is amended by adding  
 18 at the end the following new item:

“1468. Lump sum payments for certain amounts payable to former spouse.”.

19       (b) ROLLOVER TREATMENT FOR LUMP SUM PAY-  
 20 MENTS PAID TO FORMER SPOUSES OF MEMBERS OF THE  
 21 UNIFORMED SERVICES.—Section 414 of the Internal Rev-  
 22 enue Code of 1986 (relating to definitions and special  
 23 rules) is amended by adding at the end the following new  
 24 subsection:

1       “(y) LUMP SUM PAYMENTS TO FORMER SPOUSES OF  
2 MEMBERS OF THE UNIFORMED SERVICES.—(1) ELIGI-  
3 BLE FOR ROLLOVER TREATMENT.—For purposes of this  
4 part including section 408, relating to individual retire-  
5 ment accounts, any amount of a lump sum payment paid  
6 to an individual under the authority of section 1468 of  
7 title 10, United States Code, shall be considered an  
8 amount paid out of an individual retirement account to  
9 the individual for whose benefit the account is maintained  
10 and eligible for rollover treatment under section 402(c)(6).

11       “(2) TRANSFER BY SECRETARY CONCERNED TO  
12 TRUSTEE.—Any amount of lump sum payment trans-  
13 ferred by the Secretary concerned to a trustee of an eligi-  
14 ble retirement plan in accordance with section 1468 of  
15 title 10, United States Code, shall be treated as an  
16 amount transferred in a direct trustee-to-trustee transfer  
17 in accordance with section 401(a)(31) and, as a result,  
18 shall not be includible in gross income for the taxable year  
19 of such transfer. For purposes of this paragraph, the term  
20 ‘eligible retirement plan’ has the meaning given such term  
21 by section 401(a)(31)(D).”.

## **Subtitle D—Other Matters**

**SEC. 641. PERMANENT RETENTION OF ELIGIBILITY FOR  
THE EARNED INCOME TAX CREDIT BY  
SERVICEMEMBERS DEPLOYED TO A COMBAT  
ZONE.**

Section 32(c)(2)(B)(vi) of the Internal Revenue Code of 1986 (relating to the definition of earned income) is amended to read as follows:

“(vi) the earned income of a member of the Armed Forces of the United States shall include wages that are excluded from taxation by application of section 112.”.

**SEC. 642. EXCLUSION FROM GROSS INCOMES OF ADJUSTMENTS TO THE FAMILY SEPARATION ALLOWANCE.**

Section 134(b)(3) of the Internal Revenue Code of 1986 (relating to the exclusion of qualified military benefits from gross income) is amended—

(1) in subparagraph (A), by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (D)”; and

(2) by adding at the end the following new subparagraph:

“(D) EXCEPTION FOR FAMILY SEPARATION ALLOWANCE ADJUSTMENTS MADE BY LAW.—

1 Subparagraph (A) shall not apply to any ad-  
2 justment to the amount of Family Separation  
3 Allowance payable under section 427 of title 37,  
4 United States Code, which is made pursuant to  
5 a provision of law enacted after September 9,  
6 1986.”.

7 **SEC. 643. FAMILY PET SHIPMENT DURING EVACUATION OF**  
8 **NON-ESSENTIAL PERSONNEL.**

9 Section 406(b)(1) of title 37, United States Code, is  
10 amended by adding at the end the following new subpara-  
11 graph:

12 “(H) Except as provided in paragraph (2),  
13 in connection with an evacuation from a perma-  
14 nent station located in a foreign area, a mem-  
15 ber is entitled to transportation of no more  
16 than two family household pets (to include ship-  
17 ment and the payment of quarantine costs, if  
18 any). Alternatively, the member may be paid re-  
19 imbursement or a monetary allowance under  
20 subparagraph (F) if other commercial transpor-  
21 tation means have been used. Exotic pets, en-  
22 dangered species, horses or livestock, or large  
23 pets weighing in excess of 150 pounds are not  
24 authorized.”.



1           **TITLE VII—HEALTH CARE**  
2                   **PROVISIONS**  
3           **Subtitle A—TRICARE Program**  
4                   **Improvements**

5   **SEC. 701. REVISING TRICARE PROGRAM COST SHARING**  
6                   **AMOUNTS.**

7           (a) **AUTHORITY.**—Section 1086(b) of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new paragraph:

10                   “(5) Notwithstanding paragraphs (1) through  
11           (4), the Secretary of Defense shall promulgate regu-  
12           lations to revise the requirements for payments by  
13           beneficiaries under this subsection in order to reflect  
14           increases in health care costs. Such requirements,  
15           which may include a revised deductible amount, an  
16           enrollment fee, and future indexing, need not be uni-  
17           form for all such beneficiaries. Any such enrollment  
18           fee may be a condition of eligibility for health care  
19           benefits under chapter 55 of this title.”.

20           (b) **IMPLEMENTATION.**—The Secretary of Defense  
21 shall promulgate the regulations required by section  
22 1086(b)(5) of title 10, United States Code, as added by  
23 subsection (a), after first considering the recommenda-  
24 tions of the Task Force on the Future of Military Health  
25 Care regarding the beneficiary and Government cost shar-

1 ing structure required to sustain military health benefits  
 2 over the long term, as required by subsection (c)(3)(H)  
 3 of section 711 of the John Warner National Defense Au-  
 4 thorization Act for Fiscal Year 2007 (Public Law 109–  
 5 364; 120 Stat. 2083). The regulations shall become effec-  
 6 tive not later than 90 days after the date of enactment  
 7 of this Act. The Secretary shall submit the regulations,  
 8 and a report describing the rationale for the changes pro-  
 9 mulgated, to the Committees on Armed Services of the  
 10 Senate and House of Representatives at least 30 days be-  
 11 fore such regulations become effective.

12 **SEC. 702. CHANGES IN PAYMENT OPTIONS FOR TRICARE**  
 13 **PRIME.**

14 (a) MONTHLY DEDUCTIONS.—Section 1097a(c) of  
 15 title 10, United States Code, is amended to read as fol-  
 16 lows:

17 “(c) ENROLLMENT FEE PAYMENTS.—The Secretary  
 18 of Defense shall establish procedures for the collection of  
 19 enrollment fees charged for an enrollment in TRICARE  
 20 Prime to a member or former member of the uniformed  
 21 services eligible for medical care under section 1074(b) of  
 22 this title from the member’s retired pay, retainer pay, or  
 23 equivalent pay, as the case may be. To the maximum ex-  
 24 tent practicable, the enrollment fee payable by a member  
 25 entitled to such pay shall be deducted and withheld from

1 the retired pay of the member (if pay is available to the  
2 member).”.

3 (b) CHARGES FOR HEALTH CARE.—Section 1097(e)  
4 of such title is amended by striking “shall permit such  
5 covered beneficiaries to pay, on a quarterly basis,” and  
6 inserting “may permit such covered beneficiaries whose re-  
7 tired pay, retainer pay, or equivalent pay, as the case may  
8 be, is insufficient for them to pay enrollment fees by de-  
9 duction from such pay as specified in section 1097a of  
10 this title to pay, in full at the beginning of the enrollment  
11 period or on a quarterly basis, by check, money order,  
12 credit card, or electronic funds transfer”.

13 **SEC. 703. OBSTETRICAL TRAVEL FOR COMMAND-SPON-**  
14 **SORED DEPENDENTS OF UNIFORMED MEM-**  
15 **BERS ASSIGNED TO VERY REMOTE AREAS**  
16 **OUTSIDE THE CONTINENTAL UNITED STATES.**

17 Section 1040 of title 10, United States Code, is  
18 amended—

19 (1) in subsection (a), by inserting “, and sub-  
20 ject to subsection (e)” after “subsection (b)”; and

21 (2) by adding at the end the following new sub-  
22 section:

23 “(e) With respect to the provision of obstetrical care,  
24 appropriate medical attention includes the availability or  
25 provision of obstetrical anesthesia equal to the services

1 available in a Military Treatment Facility located in the  
 2 United States. If these services are not available in remote  
 3 areas outside the continental United States and air trans-  
 4 portation would be needed to travel to the nearest appro-  
 5 priate medical facility in which adequate medical care is  
 6 available, then the Secretary may authorize the beneficiary  
 7 to choose to receive transportation to the continental  
 8 United States and be treated at a Military Treatment Fa-  
 9 cility, that can provide appropriate obstetrical services,  
 10 nearest to the closest port of entry into the continental  
 11 United States. All other benefits of subsection (a) shall  
 12 apply, provided that the United States shall incur no  
 13 greater cost than would be incurred in connection with  
 14 transportation (including per diem) to the nearest appro-  
 15 priate medical facility in which adequate medical care is  
 16 available outside the continental United States.”.

## 17 **Subtitle B—Other Matters**

18 **SEC. 711. MENTAL HEALTH EVALUATIONS OF MEMBERS OF**  
 19 **THE ARMED FORCES BY MASTERS-LEVEL**  
 20 **CLINICAL SOCIAL WORKERS WITH AN INDE-**  
 21 **PENDENT LICENSE.**

22 Section 546(g)(3) of the National Defense Authoriza-  
 23 tion Act for Fiscal Year 1993 (Public Law 102–484; 106  
 24 Stat. 2419), is amended by striking “doctorate” and in-  
 25 serting “license”.

1 **TITLE VIII—ACQUISITION POL-**  
 2 **ICY, ACQUISITION MANAGE-**  
 3 **MENT, AND RELATED MAT-**  
 4 **TERS**

5 **Subtitle A—Acquisition Policy and**  
 6 **Management**

7 **SEC. 801. REVISION TO THE REQUIREMENT FOR 15-DAY**  
 8 **WAITING PERIOD TO ISSUE SOLICITATIONS**  
 9 **AFTER PUBLICATION OF SYNOPSIS.**

10 (a) AMENDMENT OF SMALL BUSINESS ACT 15-DAY  
 11 SOLICITATION ISSUANCE DELAY.—Section 8(e)(3)(A) of  
 12 the Small Business Act (15 U.S.C. 637(e)(3)(A)) is  
 13 amended by striking “15 days” and inserting “ten days”.

14 (b) AMENDMENT OF THE OFFICE OF FEDERAL PRO-  
 15 CUREMENT POLICY ACT 15-DAY SOLICITATION ISSUANCE  
 16 DELAY.—Section 18(a)(3)(A) of the Office of Federal  
 17 Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) is  
 18 amended by striking “15 day” and inserting “ten days”.

19 **SEC. 802. REPEAL OF SMALL BUSINESS COMPETITIVENESS**  
 20 **DEMONSTRATION PROGRAM.**

21 Sections 701 through 722 of the Business Oppor-  
 22 tunity Development Reform Act of 1988 (Public Law  
 23 100–656; 15 U.S.C. 644 note), as amended, are repealed.

1 **Subtitle B—Amendments to Gen-**  
2 **eral Contracting Authorities,**  
3 **Procedures, and Limitations**

4 **SEC. 811. UNMANNED SYSTEMS.**

5 Section 941 of the John Warner National Defense  
6 Authorization Act for Fiscal Year 2007 (Public Law 109–  
7 364; 120 Stat. 2083) is amended—

8 (1) by amending subsection (a) to read as fol-  
9 lows:

10 “(a) The Department of Defense shall develop a pol-  
11 icy, to be applicable throughout the Department of De-  
12 fense on research, development, test and evaluation, and  
13 procurement, of unmanned systems in a manner that is  
14 fiscally responsible and enhances war fighter capability.”;

15 (2) in subsection (b)—

16 (A) by amending paragraph (1) to read as  
17 follows:

18 “(1) An identification of Joint Capability Areas  
19 in which unmanned systems can potentially provide  
20 the means to address potential capability gaps.”;

21 (B) by amending paragraph (2) to read as  
22 follows:

23 “(2) Deliberate consideration of unmanned sys-  
24 tems as potential candidates for acquisition when a

1       materiel solution has been deemed appropriate for  
2       satisfying a capability requirement.”; and

3               (C) in paragraph (5), by striking “, includ-  
4       ing” and all that follows through “systems”;  
5       and

6               (3) by amending subsection (d) to read as fol-  
7       lows:

8       “(d) ROADMAP.—The Department of Defense shall  
9       develop and implement a roadmap that includes—

10              “(1) goals for the development of unmanned  
11       system technologies to address capabilities identified  
12       pursuant to subsection (b)(1); and

13              “(2) the establishment of programs to address  
14       technical, operational, and production challenges,  
15       and gaps in capabilities, with respect to unmanned  
16       systems.”.

17       **SEC. 812. ENHANCED TRANSFER OF TECHNOLOGY DEVEL-**  
18       **OPED AT DOD LABORATORIES.**

19       (a) DEFINITIONS.—As used in this section—

20              (1) The terms “department” and “military de-  
21       partment” have the meaning specified at section 101  
22       of title 10, United States Code.

23              (2) The term “DoD laboratory” or “labora-  
24       tory” means any facility or group of facilities that  
25       is owned, leased, operated, or otherwise used by the

1 Department of Defense and that meets the defini-  
2 tion of “laboratory” at section 3710a(d)(2), of title  
3 15, United States Code.

4 (b) AUTHORITY.—The Secretary of Defense and the  
5 Secretaries of the military departments each—

6 (1) may authorize the heads of DoD labora-  
7 tories to grant nonexclusive, exclusive, or partially  
8 exclusive licenses, royalty free or for royalties or for  
9 rights to other intellectual property, for computer  
10 software and its related documentation developed at  
11 a DoD laboratory, provided that—

12 (A) the computer software and related doc-  
13 umentation would be a trade secret under the  
14 meaning of section 552(b)(4) of title 5, United  
15 States Code, if the information had been ob-  
16 tained from a non-Federal party;

17 (B) the public is notified of the availability  
18 of the software and related documentation for  
19 licensing and interested parties have a fair op-  
20 portunity to submit applications for licensing;

21 (C) such licensing activities and licenses  
22 shall comply with the requirements under sec-  
23 tion 209 of title 35, United States Code; and



1 (D) the software originally was developed  
2 to meet the military needs of the Department  
3 of Defense; and

4 (2) shall provide appropriate precautions  
5 against the unauthorized disclosure of any computer  
6 software or documentation covered by paragraph  
7 (1)(A), including exemption from section 552 of title  
8 5, United States Code, for a period of up to 5 years  
9 after the development of the computer software by  
10 the DoD laboratory.

11 (c) ROYALTIES.—(1) Except as provided in para-  
12 graph (2), any royalties or other payments received by the  
13 department from licensing computer software or docu-  
14 mentation under subsection (b)(1) shall be retained by the  
15 department and shall be disposed of as follows:

16 (A)(i) The department shall pay each year the  
17 first \$2,000, and thereafter at least 15 percent, of  
18 the royalties or other payments to be divided among  
19 the employees who developed the computer software.

20 (ii) The department may provide appropriate  
21 lesser incentives, from royalties or other payments,  
22 to laboratory employees who are not developers of  
23 such computer software, but who substantially in-  
24 creased the technical value of the software.

1           (iii) The department shall retain the royalties  
2           and other payments received until it makes pay-  
3           ments to employees of a DoD laboratory under  
4           clause (i) or (ii).

5           (iv) The department may retain an amount rea-  
6           sonably necessary to pay expenses incidental to the  
7           administration and distribution of royalties or other  
8           payments under this section by an organizational  
9           unit of the department other than its laboratories.

10          (B) The balance of the royalties or other pay-  
11          ments shall be transferred by the department to its  
12          laboratories, with the majority share of the royalties  
13          or other payments going to the laboratory where the  
14          development occurred. The royalties or other pay-  
15          ments so transferred to any DoD laboratory may be  
16          used or obligated by that laboratory during the fiscal  
17          year in which they are received or during the 2 suc-  
18          ceeding fiscal years—

19               (i) to reward scientific, engineering, and  
20               technical employees of the DoD laboratory, in-  
21               cluding developers of sensitive or classified tech-  
22               nology, regardless of whether the technology  
23               has commercial applications;

24               (ii) to further scientific exchange among  
25               the laboratories of the agency;

(iii) for education and training of employees consistent with the research and development missions and objectives of the department or DoD laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories;

(iv) for payment of expenses incidental to the administration and licensing of computer software or other intellectual property made at that DoD laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(v) for scientific research and development consistent with the research and development missions and objectives of the DoD laboratory.

(C) All royalties or other payments retained by the department or DoD laboratory after payments have been made pursuant to subparagraphs (A) and (B) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.

(2) If, after payments under paragraph (1)(A), the balance of the royalties or other payments re-

1       ceived by the department in any fiscal year exceed  
2       5 percent of the funds received for use by the DoD  
3       laboratory for research, development, engineering,  
4       testing and evaluation or other related administra-  
5       tive, processing or value-added activities for that  
6       year, 75 percent of such excess shall be paid to the  
7       Treasury of the United States and the remaining 25  
8       percent may be used or obligated under paragraph  
9       (1)(B). Any funds not so used or obligated shall be  
10      paid into the Treasury of the United States.

11           (3) Any payment made to an employee under  
12      this section shall be in addition to the regular pay  
13      of the employee and to any other awards made to  
14      the employee, and shall not affect the entitlement of  
15      the employee to any regular pay, annuity, or award  
16      to which he is otherwise entitled or for which he is  
17      otherwise eligible or limit the amount thereof except  
18      that the monetary value of an award for the same  
19      project or effort shall be deducted from the amount  
20      otherwise available under this paragraph. Payments,  
21      determined under the terms of this paragraph and  
22      made to an employee developer as such, may con-  
23      tinue after the developer leaves the DoD laboratory  
24      or department. Payments made under this section  
25      shall not exceed \$75,000 per year to any one person

1 unless the President approves a larger award (with  
 2 the excess over \$75,000 being treated as a Presi-  
 3 dential award under section 4504 of title 5, United  
 4 States Code).

5 (d) INFORMATION IN REPORT.—The report required  
 6 by section 2515(d) of title 10, United States Code, shall  
 7 include information regarding the implementation and ef-  
 8 fectiveness of this section.

9 (e) EFFECTIVE DATE AND EXPIRATION.—The au-  
 10 thority provided for in this section is for a pilot program  
 11 to test the effectiveness of this authority and shall expire  
 12 on December 31, 2013.

## 13 **Subtitle C—Other Matters**

### 14 **SEC. 821. EXTENSION OF LENGTH OF CONTRACTS FOR RE-** 15 **NEWABLE ENERGY SOURCES AND ASSOCI-** 16 **ATED SERVICES.**

17 Section 501(b)(1)(B) of title 40, United States Code,  
 18 is amended to read as follows:

19 “(B) PUBLIC UTILITY CONTRACTS.—

20 “(i) IN GENERAL.—A contract for  
 21 public utility services may be made for a  
 22 period of not more than 10 years.

23 “(ii) RENEWABLE ENERGY CON-  
 24 TRACTS.—A contract for renewable energy  
 25 may be made for a period of not more than

1           20 years. All such contracts are to be sub-  
2           ject to availability of annual appropria-  
3           tions.

4           “(iii) DEFINITIONS.—In this para-  
5           graph:

6                   “(I) PUBLIC UTILITY SERV-  
7                   ICES.—The term ‘public utility serv-  
8                   ices’ means generation, transmission,  
9                   distribution, or other services directly  
10                  used in providing public utility serv-  
11                  ices.

12                  “(II) RENEWABLE ENERGY.—  
13                  The term ‘renewable energy’ means  
14                  electric energy generated from solar,  
15                  wind, biomass, landfill gas, ocean (in-  
16                  cluding tidal, wave, current, and ther-  
17                  mal), geothermal, municipal solid  
18                  waste, or new hydroelectric generation  
19                  capacity achieved from increased effi-  
20                  ciency, or additional new capacity at  
21                  an existing hydroelectric project, and  
22                  the transmission, distribution, or  
23                  other services directly used in pro-  
24                  viding electricity from renewable en-  
25                  ergy sources.”.

1 **SEC. 822. MODIFICATION OF AUTHORITY TO ACCEPT FI-**  
2 **NANCIAL AND OTHER INCENTIVES RELATED**  
3 **TO ENERGY SAVINGS AND SIMILAR NEW AU-**  
4 **THORITY RELATED TO ENERGY SYSTEMS.**

5 (a) ENERGY SAVINGS.—Section 2913(c) of title 10,  
6 United States Code, is amended by inserting “, State or  
7 local government” after “gas or electric utility”.

8 (b) ENERGY SYSTEMS.—Section 2915 of such title  
9 is amended by adding at the end the following new sub-  
10 section:

11 “(f) ACCEPTANCE OF FINANCIAL INCENTIVE, FINAN-  
12 CIAL ASSISTANCE, OR SERVICES.—The Secretary of De-  
13 fense may authorize any military installation to accept any  
14 financial incentive, financial assistance, or services gen-  
15 erally available from a State or local government, gas or  
16 electric utility, to use or construct an energy system using  
17 solar energy or other renewable form of energy if the use  
18 or construction of the system is consistent with the energy  
19 performance goals and energy performance plan for the  
20 Department of Defense developed under section 2911 of  
21 this title.”.

22 **SEC. 823. TIMELINESS REQUIREMENTS ON POST-AWARD**  
23 **BID PROTEST JURISDICTION OF THE COURT**  
24 **OF FEDERAL CLAIMS.**

25 Section 1491(b)(3) of title 28, United States Code,  
26 is amended by adding at the end the following new sen-

1 tences: “Every action under this subsection, other than  
 2 those based either upon alleged improprieties in a solicita-  
 3 tion which are apparent prior to bid opening or the time  
 4 set for receipt of initial proposals, shall be barred unless  
 5 the action is filed no later than 10 days after the basis  
 6 for the action is known or should have been known, which-  
 7 ever is earlier. Excepted are actions challenging a procure-  
 8 ment conducted on the basis of competitive proposals  
 9 under which a debriefing is requested and, when re-  
 10 quested, is required. In such cases, with respect to any  
 11 basis for action which is known or should have been known  
 12 either before or as a result of the debriefing, the action  
 13 shall be barred unless filed no later than 10 days after  
 14 the date on which the debriefing is held.”.

## 15 **Subtitle D—Other Matters**

### 16 **SEC. 831. APPLICABILITY OF THE RESTRICTION ON SPE-** 17 **CIALTY METALS.**

18 (a) IN GENERAL.—Section 2533b(k) of title 10,  
 19 United States Code, is amended to read as follows:

20 “(k) NATIONAL SECURITY EXCEPTION.—Subsection  
 21 (a) does not apply to procurements for which the Sec-  
 22 retary of Defense or the Secretary of the military depart-  
 23 ment concerned determines in writing that an exception  
 24 is in the national security interest of the United States.”.



1 (b) CONFORMING AMENDMENT.—Subsection (a) of  
 2 such section is amended by striking “(j)” and inserting  
 3 “(k)”.

4 **SEC. 832. CLARIFICATION OF JURISDICTION OF THE**  
 5 **UNITED STATES DISTRICT COURTS TO HEAR**  
 6 **BID PROTEST DISPUTES INVOLVING MARI-**  
 7 **TIME CONTRACTS.**

8 Section 1491 of title 28, United States Code, is  
 9 amended by adding at the end the following new sub-  
 10 section:

11 “(d) Jurisdiction over any actions described under  
 12 subsection (b)(1) of this section arising out of a maritime  
 13 contract or a proposed maritime contract shall be gov-  
 14 erned by this section, and shall not be subject to the juris-  
 15 diction of the District Courts of the United States under  
 16 the Act of March 9, 1920, commonly known as the ‘Suits  
 17 in Admiralty Act’ (41 Stat. 525; 46 U.S.C. App. 741 et  
 18 seq.), or the Act of March 3, 1925, commonly known as  
 19 the ‘Public Vessels Act’ (43 Stat. 1112; 46 U.S.C. App.  
 20 781 et seq.).”.

21 **SEC. 833. STREAMLINE JURISDICTION OVER GOVERNMENT**  
 22 **CONTRACT CLAIMS, DISPUTES AND APPEALS**  
 23 **ARISING OUT OF MARITIME CONTRACTS.**

24 Section 4 of the Contract Disputes Act of 1978 (41  
 25 U.S.C. 603) is amended to read as follows:

1       “SEC. 4. Appeals under subsection (g) of section 8  
 2 and suits under section 10 arising out of maritime con-  
 3 tracts shall be governed exclusively by this Act.”.

4   **SEC. 834. REPEAL OF THE MILITARY SYSTEM BREAKOUT**  
 5                   **LIST.**

6       Section 813 of the National Defense Authorization  
 7 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 8 1543) is repealed.

9   **TITLE IX—DEPARTMENT OF DE-**  
 10       **FENSE ORGANIZATION AND**  
 11       **MANAGEMENT**

12   **Subtitle A—Department of Defense**  
 13                   **Management**

14   **SEC. 901. PERMANENT AUTHORITY TO ACCEPT GIFTS TO**  
 15                   **BENEFIT MEMBERS OF THE ARMED FORCES**  
 16                   **AND DEPARTMENT OF DEFENSE EMPLOYEES**  
 17                   **INJURED OR KILLED IN LINE OF DUTY AND**  
 18                   **THEIR DEPENDENTS.**

19       Section 2601(b) of title 10, United States Code, is  
 20 amended by striking paragraph (4).

1 **SEC. 902. MODIFICATION OF PROCEDURES TO PRESERVE**  
 2 **THE SEARCH AND RESCUE CAPABILITIES OF**  
 3 **THE FEDERAL GOVERNMENT CONSISTENT**  
 4 **WITH MILITARY REQUIREMENTS.**

5 Section 1085 of the Ronald W. Reagan National De-  
 6 fense Authorization Act for Fiscal Year 2005 (Public Law  
 7 108–375; 118 Stat. 2065) is amended—

8 (1) in the matter before paragraph (1)—

9 (A) by striking “capabilities at any mili-  
 10 tary installation” and inserting “units at any  
 11 military installation”;

12 (B) by striking “equivalent” and inserting  
 13 “adequate”; and

14 (C) by striking “by—” and inserting “by  
 15 one or a combination of—”;

16 (2) by striking “or” at the end of paragraph  
 17 (1);

18 (3) in paragraph (2)—

19 (A) by inserting “, through active-duty,  
 20 Reserve component, or National Guard assets,”  
 21 after “directly”; and

22 (B) by striking the period at the end and  
 23 inserting “; or”; and

24 (4) by adding at the end the following new  
 25 paragraph:

1           “(3) State and local government agencies in the  
2       relevant area.”.

## 3                               **Subtitle B—Chemical** 4                               **Demilitarization Program**

5       **SEC. 911. CHEMICAL DEMILITARIZATION CITIZENS’ ADVI-**  
6                               **SORY COMMISSION IN COLORADO AND KEN-**  
7                               **TUCKY.**

8           Section 172 of the National Defense Authorization  
9       Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
10   2341) is amended by adding at the end the following new  
11   subsection:

12           “(i) COLORADO AND KENTUCKY CHEMICAL DEMILI-  
13   TARIZATION CITIZENS ADVISORY COMMISSIONS.—Not-  
14   withstanding subsections (b), (f), and (g), and consistent  
15   with the Strom Thurmond National Defense Authoriza-  
16   tion Act for Fiscal Year 1999 (Public Law 105–261; 112  
17   Stat. 1920) and the Department of Defense Appropria-  
18   tions Act, 2003 (Public Law 107–248; 116 Stat. 1519),  
19   responsibilities for the Chemical Demilitarization Citizens  
20   Advisory Commissions in Colorado and Kentucky will be  
21   transferred from the Secretary of the Army to the Pro-  
22   gram Manager for Assembled Chemical Weapons Alter-  
23   natives. The Program Manager for Assembled Chemical  
24   Weapons Alternatives will ensure the ability to receive cit-  
25   izen and State concerns regarding the ongoing chemical

1 destruction program in these States. A representative  
2 from the Office of the Assistant to the Secretary of De-  
3 fense for Nuclear, Chemical, and Biological Defense Pro-  
4 grams will meet with these commissions not less often  
5 than twice a year. Funds appropriated for the Assembled  
6 Chemical Weapons Alternatives Program will be used for  
7 travel and associated travel cost for these Citizens' Advi-  
8 sory Commissioners, when such travel is conducted at the  
9 invitation of the Department of Defense Special Assistant  
10 for Chemical and Biological Defense and Chemical Demili-  
11 tarization Programs.”.

12 **SEC. 912. MODIFY THE TERMINATION REQUIREMENTS FOR**  
13 **ASSISTANCE TO STATE AND LOCAL GOVERN-**  
14 **MENTS UNDER THE CHEMICAL STOCKPILE**  
15 **EMERGENCY PREPAREDNESS PROGRAM.**

16 Subparagraph (B) of section 1412(c)(5) of the De-  
17 partment of Defense Authorization Act, 1986 (Public Law  
18 99–145; 99 Stat. 748; 50 U.S.C. 1521), as amended, is  
19 further amended to read as follows:

20 “(B) Assistance may be provided under  
21 this paragraph until all activities associated  
22 with the close-out of grants and cooperative  
23 agreements provided pursuant to subparagraph  
24 (A) between the Federal Emergency Manage-  
25 ment Agency and State and local governments

1           are complete, but such assistance may not be  
 2           provided after 6 months from the date agent  
 3           destruction operations have been completed in  
 4           such jurisdiction.”.

## 5       **Subtitle C—Intelligence-Related** 6                               **Matters**

### 7       **SEC. 921. OPERATIONAL FILES OF THE DEFENSE INTEL-** 8                               **LIGENCE AGENCY.**

9           Section 705 of the National Security Act of 1947 (50  
 10       U.S.C. 432c) is amended by striking subsection (g).

### 11       **SEC. 922. PROHIBITION ON DISCLOSURE OF CERTAIN GEO-** 12                               **DETTIC PRODUCTS.**

13           Section 455 of title 10, United States Code, is  
 14       amended by adding at the end the following new sub-  
 15       sections:

16           “(d) PROHIBITION ON DISCLOSURE OF GEODETTIC  
 17       PRODUCTS.—Any person, including any current and  
 18       former government and contractor personnel, who, with-  
 19       out authorization, knowingly distributes, transfers, or en-  
 20       gages in the sale of any product that the Secretary of De-  
 21       fense has withheld from the public in accordance with sub-  
 22       section (b) shall be subject to the penalties and adminis-  
 23       trative actions set forth in subsection (e).

24           “(e) PENALTIES AND ADMINISTRATIVE SANC-  
 25       TIONS.—(1) CRIMINAL PENALTIES.—Whoever engages in

1 conduct constituting a violation of subsection (b) or (d)  
 2 shall be imprisoned for not more than 5 years or fined  
 3 as provided under title 18, or both.

4 “(2) CIVIL PENALTIES.—The Attorney General may  
 5 bring a civil action in an appropriate United States dis-  
 6 trict court against any person who engages in conduct con-  
 7 stituting a violation of subsection (b) or (d). Upon proof  
 8 of such conduct by a preponderance of the evidence, the  
 9 person is subject to a civil penalty. An individual who en-  
 10 gages in such conduct is subject to a civil penalty of not  
 11 more than \$50,000 for each violation plus twice the  
 12 amount of compensation that the individual received or of-  
 13 fered for the prohibited conduct. An organization that en-  
 14 gages in such conduct is subject to a civil penalty of not  
 15 more than \$500,000 for each violation plus twice the  
 16 amount of compensation that the organization received or  
 17 offered for the prohibited conduct.”.

18 **SEC. 923. TECHNICAL CHANGES FOLLOWING THE REDESIG-**  
 19 **NATION OF NATIONAL IMAGERY AND MAP-**  
 20 **PING AGENCY AS NATIONAL GEOSPATIAL-IN-**  
 21 **TELLIGENCE AGENCY.**

22 (a) TECHNICAL CHANGES TO UNITED STATES  
 23 CODE.—Titles 5 and 44, United States Code, are amend-  
 24 ed by striking “National Imagery and Mapping Agency”

1 each place it appears and inserting “National Geospatial-  
2 Intelligence Agency”.

3 (b) TECHNICAL CHANGES TO OTHER ACTS.—(1)  
4 Section 105(a) of the Ethics in Government Act of 1978  
5 (Public Law 95–521; 5 U.S.C. App. 4) is amended by  
6 striking “National Imagery and Mapping Agency” and in-  
7 serting “National Geospatial-Intelligence Agency”.

8 (2) Section 8(h) of the Inspector General Act of 1978  
9 (Public Law 95–452; 5 U.S.C. Appendix) is amended by  
10 striking “National Imagery and Mapping Agency” and in-  
11 serting “National Geospatial-Intelligence Agency”.

12 (3) Section 7(b)(2)(A)(i) of the Employee Polygraph  
13 Protection Act of 1988 (Public Law 100–347; 29 U.S.C.  
14 2006(b)(2)(A)(i)) is amended by striking “National Im-  
15 agery and Mapping Agency” and inserting “National  
16 Geospatial-Intelligence Agency”.

17 (4) Section 207(a)(2)(B) of the Legislative Branch  
18 Appropriations Act, 1993 (Public Law 102–392; 44  
19 U.S.C. 501 note), is amended by striking “National Im-  
20 agery and Mapping Agency” and inserting “National  
21 Geospatial-Intelligence Agency”.

22 (5) Section 201 of the Homeland Security Act of  
23 2002 (Public Law 107–296; 6 U.S.C. 121) is amended  
24 by striking “National Imagery and Mapping Agency” and  
25 inserting “National Geospatial-Intelligence Agency”.



# 1 **TITLE X—GENERAL PROVISIONS**

## 2 **Subtitle A—Financial Matters**

### 3 **SEC. 1001. INCREASE LIMITATION ON ADVANCE BILLING OF** 4 **WORKING CAPITAL FUND CUSTOMERS.**

5 Section 2208(l)(3) of title 10, United States Code,  
6 is amended by striking “\$1,000,000,000” and inserting  
7 “\$2,000,000,000”.

### 8 **SEC. 1002. CREDITING OF ADMIRALTY CLAIM RECEIPTS** 9 **FOR DAMAGE TO DOD WORKING CAPITAL** 10 **FUND ACCOUNT PROPERTY.**

11 Section 7623(b) of title 10, United States Code, is  
12 amended by striking the last sentence and inserting the  
13 following new sentence: “Amounts received under this sec-  
14 tion shall be covered into the Treasury as miscellaneous  
15 receipts, except that amounts received for damage or loss  
16 to property operated and maintained with funds from a  
17 Department of Defense working capital fund account shall  
18 be credited to that account.”.

### 19 **SEC. 1003. LICENSING OF INTELLECTUAL PROPERTY; DEFINI-** 20 **TIONS.**

21 Section 2260 of title 10, United States Code, is  
22 amended—

23 (1) in subsection (a), by inserting “or the Sec-  
24 retary of Homeland Security” after “Secretary of  
25 Defense;” and

1           (2) by amending subsection (e) to read as fol-  
2       lows:

3       “(e) DEFINITIONS.—In this section:

4           “(1) The terms ‘trademark’, ‘service mark’,  
5       ‘certification mark’, and ‘collective mark’ have the  
6       meanings given such terms in section 45 of the Act  
7       of July 5, 1946 (commonly referred to as the Trade-  
8       mark Act of 1946; 15 U.S.C. 1127).

9           “(2) The term ‘Secretary concerned’ means the  
10      Secretary of a military department, the Secretary of  
11      Defense, with respect to matters concerning the De-  
12      fense Agencies and Defense Field Activities, and the  
13      Secretary of Homeland Security, with respect to  
14      matters concerning the Coast Guard when it is not  
15      operating as a service in the Department of the  
16      Navy.”.

## 17       **Subtitle B—Policy Relating to** 18       **Vessels and Shipyards**

### 19       **SEC. 1011. TEMPORARY WAIVER OF THE MINIMUM AIR-** 20       **CRAFT CARRIER REQUIREMENT.**

21       Section 5062(b) of title 10, United States Code, is  
22       amended by inserting after the first sentence the following  
23       new sentence: “Notwithstanding the preceding sentence or  
24       any other provision of law, the naval combat forces of the  
25       Navy may include less than 11 operational aircraft car-

riers for the period of time between the decommissioning  
of the USS ENTERPRISE (CVN 65) and the commis-  
sioning of the CVN 78.”.

**SEC. 1012. CLARIFICATION OF STATUS OF GOVERNMENT  
RIGHTS IN THE DESIGNS OF DEPARTMENT  
OF DEFENSE VESSELS, BOATS, CRAFT, AND  
COMPONENTS THEREOF.**

(a) IN GENERAL.—Chapter 633 of title 10, United  
States Code, is amended by adding at the end the fol-  
lowing new section:

**“§ 7317. Status of Government rights in the designs of  
vessels, boats, craft, and components  
thereof**

“Notwithstanding any other provision of law, Govern-  
ment rights in the design of a vessel, boat, or craft, and  
its components, including the hull, decks, superstructure,  
and all shipboard equipment and systems, shall be deter-  
mined solely by operation of section 2320 of this title or  
by the instrument under which the design was developed  
for the Government.”.

(b) CLERICAL AMENDMENT.—The table of sections  
at the beginning of such chapter is amended by adding  
at the end the following new item:

“7317. Status of Government rights in the designs of vessels, boats, craft, and  
components thereof.”.

**Subtitle C—Counter-Drug  
Activities**

**SEC. 1021. EXPANSION AND EXTENSION OF AUTHORITY TO  
PROVIDE ADDITIONAL SUPPORT FOR  
COUNTER-DRUG ACTIVITIES OF CERTAIN  
FOREIGN GOVERNMENTS.**

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593) and section 1022 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), is amended by striking “2008” and inserting “2011”.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

“(19) The Government of Niger.

“(20) The Government of Mauritania.

“(21) The Government of Mali.

“(22) The Government of Chad.

“(23) The Government of Indonesia.

“(24) The Government of Philippines.

1 “(25) The Government of Honduras.

2 “(26) The Government of Nicaragua.

3 “(27) The Government of El Salvador.”.

4 (c) TYPES OF SUPPORT.—Subsection (c)(2) of such  
5 section is amended by striking “, subject to section 484(a)  
6 of the Foreign Assistance Act of 1961 (22 U.S.C.  
7 2291c(a)),”.

8 (d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Sub-  
9 section (e)(2) of such section is amended

10 (1) by striking “\$60,000,000” and inserting  
11 “\$80,000,000”; and

12 (2) by striking “or \$60,000,000 during either  
13 of the fiscal years 2007 and 2008” and inserting  
14 “\$80,000,000 during years 2008 through 2011”.

## 15 **Subtitle D—Matters Related to** 16 **Homeland Security**

### 17 **SEC. 1031. RESERVE SUPPORT FOR RESPONSES TO CER-** 18 **TAIN EMERGENCIES.**

19 Section 12304(b) of title 10, United States Code, is  
20 amended—

21 (1) by striking “or” at the end of paragraph  
22 (1);

23 (2) by striking the period at the end of para-  
24 graph (2) and inserting “; or”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(3) in the case of the Army Reserve, Navy Re-  
4 serve, Air Force Reserve, Marine Corps Reserve, and  
5 the Coast Guard Reserve, a major disaster or emer-  
6 gency as those terms are defined in section 5122 of  
7 title 42.”.

8 **SEC. 1032. RESERVE SUPPORT TO MAJOR PUBLIC EMER-**  
9 **GENCIES.**

10       Section 333 of title 10, United States Code, is  
11 amended by inserting “and order to active duty units or  
12 members of the Army Reserve, Navy Reserve, Air Force  
13 Reserve, Marine Corps Reserve, and Coast Guard Re-  
14 serve,” after “Federal service,”.

15 **SEC. 1033. RESERVE SUPPORT TO ENFORCEMENT OF FED-**  
16 **ERAL AUTHORITY.**

17       Section 332 of title 10, United States Code, is  
18 amended by inserting “order to active duty units or mem-  
19 bers of the Army Reserve, Navy Reserve, Air Force Re-  
20 serve, Marine Corps Reserve, and Coast Guard Reserve,”  
21 after “militia of any State,”.

22 **SEC. 1034. RESERVE SUPPORT TO FEDERAL AID FOR STATE**  
23 **GOVERNMENTS.**

24       Section 331 of title 10, United States Code, is  
25 amended by inserting “order to active duty units or mem-

bers of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve,” after “requested by that State,”.

**SEC. 1035. PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL GOVERNMENTS.**

(a) IN GENERAL.—Section 381 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph

(A)—

(i) by striking “law enforcement”; and

(ii) by inserting “, homeland security, counter-terrorism, and emergency response” after “counter-drug”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “, homeland security, counter-terrorism, and emergency response” after “counter-drug”; and

(ii) in clause (i), by striking “law enforcement”;

(C) in subparagraph (C), by striking “law enforcement” each place it appears; and

(D) in subparagraph (D), by striking “law enforcement”;

1 (2) in subsection (c)—

2 (A) by striking “law enforcement”; and

3 (B) by inserting “, homeland security,  
4 counter-terrorism, and emergency response”  
5 after “counter-drug”; and

6 (3) in subsection (d)—

7 (A) in paragraph (2), by inserting “or  
8 emergency response” after “law enforcement”  
9 both places it appears; and

10 (B) in paragraph (3)—

11 (i) by striking “law enforcement”;

12 (ii) by inserting “, homeland security,  
13 counter-terrorism, and emergency re-  
14 sponse” after “counter-drug”; and

15 (iii) by inserting “and, in the case of  
16 homeland security, may not include any  
17 equipment that is not found on the Au-  
18 thorized Equipment List as published by  
19 the Department of Homeland Security”  
20 after “purposes”.

21 (b) CLERICAL AMENDMENTS.—(1) The heading of  
22 such section is amended to read as follows:



1 **“§ 381. Procurement by State and local governments**  
 2 **of equipment suitable for counter-drug,**  
 3 **homeland security, counter-terrorism,**  
 4 **and emergency response activities**  
 5 **through the Department of Defense”.**

6 (2) The table of sections at the beginning of chapter  
 7 18 of such title is amended by striking the item relating  
 8 to section 381 and inserting the following new item:

“381. Procurement by State and local governments of equipment suitable for  
 counter-drug, homeland security, counter-terrorism, and emer-  
 gency response activities through the Department of Defense.”.

9 **SEC. 1036. CONFIDENTIAL BUSINESS AND HOMELAND SE-**  
 10 **CURITY INFORMATION SHARING.**

11 (a) IN GENERAL.—Section 130d of title 10, United  
 12 States Code, is amended to read as follows:

13 **“§ 130d. Treatment under the Freedom of Informa-**  
 14 **tion Act of confidential business informa-**  
 15 **tion and homeland security information**  
 16 **shared with State and local personnel**

17 “The sharing of confidential business information or  
 18 homeland security information, pursuant to section 892  
 19 of the Homeland Security Act of 2002 (6 U.S.C. 482),  
 20 by any Federal agency, with State and local personnel (as  
 21 defined in such section) shall not be considered release of  
 22 such information to the public, and shall not constitute  
 23 a waiver of any applicable exemption to the release of such  
 24 information under section 552 of title 5.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 3 of such title is amended by  
 3 striking the item relating to section 130d and inserting  
 4 the following new item:

“130d. Treatment under the Freedom of Information Act of confidential business information and homeland security information shared with State and local personnel.”.

## 5 **Subtitle E—Miscellaneous** 6 **Authorities and Limitations**

### 7 **SEC. 1041. MINIMUM ANNUAL PURCHASE AMOUNTS FOR** 8 **AIRLIFT FROM CARRIERS PARTICIPATING IN** 9 **THE CIVIL RESERVE AIR FLEET.**

10 (a) IN GENERAL.—Chapter 931 of title 10, United  
 11 States Code, is amended by adding at the end the fol-  
 12 lowing new section:

### 13 **“§ 9515. Airlift services: minimum annual purchase** 14 **amount for carriers participating in Civil** 15 **Reserve Air Fleet**

16 “(a) IN GENERAL.—The Secretary of Defense may  
 17 award to air carriers or air carrier contractor team ar-  
 18 rangements (carriers) participating in the Civil Reserve  
 19 Air Fleet on a fiscal year basis a one-year contract for  
 20 airlift services with a minimum purchase amount deter-  
 21 mined in accordance with this section.

22 “(b) MINIMUM PURCHASE AMOUNT.—(1) The aggre-  
 23 gate amount of the minimum purchase amount for all con-  
 24 tracts awarded under subsection (a) for a fiscal year shall

1 be based on forecast needs, but may not exceed the  
2 amount equal to 80 percent of the annual average expendi-  
3 ture of the Department of Defense for commercial airlift  
4 during the five-fiscal year period ending in the fiscal year  
5 before the fiscal year for which such contracts are award-  
6 ed.

7       “(2) In calculating the annual average expenditure  
8 of the Department of Defense for airlift for purposes of  
9 paragraph (1), the Secretary of Defense shall omit from  
10 the calculation any fiscal year exhibiting unusually high  
11 demand for commercial airlift if the Secretary determines  
12 that the omission of such fiscal year from the calculation  
13 will result in a more accurate forecast of anticipated com-  
14 mercial airlift for purposes of that paragraph.

15       “(3) The aggregate amount of the minimum purchase  
16 amount for all contracts awarded under subsection (a) for  
17 a fiscal year, as determined under paragraph (1), shall  
18 be allocated among all carriers awarded contracts under  
19 that subsection for such fiscal year in proportion to the  
20 commitments of such carriers to the Civil Reserve Air  
21 Fleet for such fiscal year.

22       “(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT  
23 FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In de-  
24 termining the minimum purchase amount payable under  
25 a contract under subsection (a) for airlift provided by a

1 carrier during the fiscal year covered by such contract,  
2 the Secretary of Defense may adjust the amount allocated  
3 to the carrier under subsection (b)(3) to take into account  
4 periods during such fiscal year when services of the carrier  
5 are unavailable for usage by the Department of Defense,  
6 including during periods of refused business or suspended  
7 operations or when the carrier is placed in nonuse status  
8 pursuant to section 2640 of this title for safety issues.

9       “(d) DISTRIBUTION OF AMOUNTS.—If any amount  
10 available under this section for the minimum purchase of  
11 airlift from a carrier for a fiscal year under a contract  
12 under subsection (a) is not utilized to purchase airlift from  
13 the carrier in such fiscal year, such amount shall be pro-  
14 vided to the carrier before the first day of the following  
15 fiscal year.

16       “(e) COMMITMENT OF FUNDS.—The Secretary of  
17 each military department shall transfer to the transpor-  
18 tation working capital fund a percentage of the total  
19 amount anticipated to be required in such fiscal year for  
20 payment of minimum purchase amounts under all con-  
21 tracts awarded under subsection (a) for such fiscal year  
22 equivalent to the percentage of the anticipated use of air-  
23 lift by such military department during such fiscal year  
24 from all carriers under contracts awarded under sub-  
25 section (a) for such fiscal year. All such amounts will be

1 transferred by the last day of the fiscal year to meet the  
2 requirements of (d) above unless minimum purchase  
3 amounts have already been met by the Department.

4 “(f) AVAILABILITY OF AIRLIFT.—(1) From the total  
5 amount of airlift available for a fiscal year under all con-  
6 tracts awarded under subsection (a) for such fiscal year,  
7 a military department shall be entitled to obtain a percent-  
8 age of such airlift equivalent to the percentage of the con-  
9 tribution of the military department to the transportation  
10 working capital fund for such fiscal year under subsection  
11 (e).

12 “(2) A military department may transfer any entitle-  
13 ment to airlift under paragraph (1) to any other military  
14 department or to any other agency, element, or component  
15 of the Department of Defense.

16 “(g) ELIGIBILITY.—In order to be eligible for the  
17 higher minimal business guarantees authorized by this  
18 section, carriers must—

19 “(1) have an average on-time pickup rate,  
20 based on factors within the air carrier’s control, of  
21 at least 90 percent if under contract with the De-  
22 partment in the prior year;

23 “(2) offer some amount of commitment to the  
24 Civil Reserve Air Fleet in excess of the minimum re-  
25 quired for participation; and

1 “(3) not have refused a DOD request to act as  
 2 a host for other CRAF carriers at intermediate stag-  
 3 ing bases during the prior year.

4 “(h) SUNSET.—The authorities in this section shall  
 5 expire on December 31, 2015.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of such chapter is amended by adding  
 8 at the end the following new item:

“9515. Airlift services: minimum annual purchase amount for carriers partici-  
 pating in Civil Reserve Air Fleet.”.

## 9 **Subtitle F—Other Matters**

### 10 **SEC. 1051. PRESENTATION OF BURIAL FLAG TO SPOUSES.**

11 Section 1482(a) of title 10, United States Code, is  
 12 amended by adding at the end the following new para-  
 13 graph:

14 “(12) Presentation of a flag of equal size to the  
 15 flag presented under paragraph (10) to the surviving  
 16 spouse (including a remarried surviving spouse) of  
 17 the deceased member if the person to be presented  
 18 a flag under paragraph (10) is other than the  
 19 spouse.”.

### 20 **SEC. 1052. DEFENSE PRODUCTION ACT AMENDMENTS OF** 21 **2008.**

22 (a) Section 717(a) of the Defense Production Act of  
 23 1950 (50 U.S.C. App. 2166(a)) is amended by striking

1 “September 30, 2008” and inserting “September 30,  
2 2013”.

3 (b) Section 711(b) of the Defense Production Act of  
4 1950 (50 U.S.C. App. 2161(b)) is amended by striking  
5 “2003 through 2008” and inserting “2009 through  
6 2013”.

7 (c) Section 303 of the Defense Production Act of  
8 1950 (50 U.S.C. App. 2093) is amended—

9 (1) in subsection (a)(6)—

10 (A) by amending subparagraph (A) to read  
11 as follows:

12 “(A) IN GENERAL.—Except as provided in  
13 paragraph (7), the President shall take no ac-  
14 tion under this section unless the industrial re-  
15 source shortfall which such action is intended to  
16 correct has been identified in writing and trans-  
17 mitted to the Committee on Banking, Housing  
18 and Urban Affairs of the Senate and the Com-  
19 mittee on Financial Services of the House of  
20 Representatives. Such notification shall be ac-  
21 companied by a statement from the President  
22 demonstrating that the notification is in accord-  
23 ance with the provisions of paragraph (5).”;

24 (B) in subparagraph (B), by striking “60  
25 days” and inserting “30 days”; and

1 (C) in subparagraph (C), by striking  
2 “\$50,000,000” and inserting “\$200,000,000”;  
3 and

4 (2) by amending subsection (e) to read as fol-  
5 lows:

6 “(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL  
7 FACILITIES.—When in his judgment it will aid the na-  
8 tional defense, the President is authorized to install addi-  
9 tional equipment, facilities, processes or improvements to  
10 plants, factories, and other industrial facilities owned by  
11 the United States Government, and to install government-  
12 owned equipment in plants, factories, and other industrial  
13 facilities owned by private persons. The President may  
14 also provide for the modification or expansion of facilities  
15 in which such equipment will be installed, including the  
16 modification or improvement of production processes.  
17 When it will aid the national defense, the President may  
18 also sell or otherwise transfer such government-owned  
19 equipment to the owners of such plants, factories or other  
20 industrial facilities.”.

21 (d) Section 304(b)(2) of the Defense Production Act  
22 of 1950 (50 U.S.C. App. 2094(b)(2)) is amended to read  
23 as follows:



1 “(2) all moneys received by the Federal Govern-  
2 ment on transactions entered into pursuant to sec-  
3 tion 303.”.

4 **SEC. 1053. AMENDMENT TO ANNUAL SUBMISSION OF IN-**  
5 **FORMATION REGARDING INFORMATION**  
6 **TECHNOLOGY CAPITAL ASSETS.**

7 Section 351(a)(2) of the Bob Stump National De-  
8 fense Authorization Act for Fiscal Year 2003 (Public Law  
9 107–314; 116 Stat. 2516), is amended to read as follows:

10 “(2) Information technology capital assets that  
11 have an estimated total cost for the fiscal year for  
12 which the budget is submitted in excess of  
13 \$30,000,000 and been determined by the Depart-  
14 ment of Defense Chief Information Officer and the  
15 Office of Management and Budget to be significant  
16 investments and are required to submit a Capital  
17 Asset Plan (Exhibit 300) to OMB in accordance  
18 with OMB Circular A–11, Section 300.”.

19 **TITLE XI—CIVILIAN PERSONNEL**  
20 **MATTERS**

21 **SEC. 1101. INCREASE IN AUTHORIZED NUMBER OF DE-**  
22 **FENSE INTELLIGENCE SENIOR EXECUTIVE**  
23 **SERVICE EMPLOYEES.**

24 Section 1606(a) of title 10, United States Code, is  
25 amended by striking “594” and inserting “694”.

1 **SEC. 1102. PERMANENT EXTENSION OF DEPARTMENT OF**  
2 **DEFENSE VOLUNTARY REDUCTION IN FORCE**  
3 **AUTHORITY.**

4 Section 3502(f) of title 5, United States Code, is  
5 amended by striking paragraph (5).

6 **SEC. 1103. FLEXIBILITY IN PAYING ANNUITY TO FEDERAL**  
7 **RETIREES WHO RETURN TO WORK.**

8 Section 9902(j) of title 5, United States Code, is  
9 amended to read as follows:

10 “(j) PROVISIONS RELATING TO REEMPLOYMENT.—

11 (1) The Secretary of Defense may, under procedures and  
12 criteria prescribed under paragraph (2), waive the applica-  
13 tion of the provisions of section 8344 or 8468 of this title  
14 on a case-by-case or group basis for employment of an  
15 annuitant in a position in the Department of Defense.

16 “(2) The Secretary shall prescribe procedures for the  
17 exercise of any authority under this subsection, including  
18 criteria for any exercise of authority and procedures for  
19 a delegation of authority.

20 “(3) An employee as to whom a waiver under this  
21 subsection is in effect shall not be considered an employee  
22 for purposes of subchapter III of chapter 83, or chapter  
23 84 of this title.”.

1 **SEC. 1104. DIRECT HIRE AUTHORITY FOR HEALTHCARE**  
 2 **PROFESSIONALS OF THE DEPARTMENT OF DE-**  
 3 **FENSE.**

4 (a) **AUTHORITY.**—Chapter 99 of title 5, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing new section:

7 **“§ 9905. Direct hire authority for healthcare profes-**  
 8 **sionals**

9 “(a)(1) **AUTHORITY.**—The Secretary may appoint in  
 10 the competitive civil service an individual described in sub-  
 11 section (b) or identified under subsection (c) for a position  
 12 within the Department of Defense without regard to the  
 13 provisions of subchapter I of chapter 33 of title 5, United  
 14 States Code, (other than section 3303 and 3328 of such  
 15 title).

16 “(2) **PREFERENCE.**—In using the authority provided  
 17 by this subsection, the Secretary shall apply the principles  
 18 of preference for the hiring of veterans and other persons  
 19 established in such subchapter.

20 “(b) **ELIGIBLE INDIVIDUALS.**—The following individ-  
 21 uals may be appointed under subsection (a):

22 “(1) Physicians.

23 “(2) Dentists.

24 “(3) Podiatrists.

25 “(4) Optometrists.

26 “(5) Registered nurses.

1           “(6) Physician assistants.

2           “(7) Expanded-function dental auxiliaries.

3           “(8) Chiropractors.

4           “(9) Occupational, physical, recreation/creative  
5           arts, and respiratory therapists.

6           “(10) Nuclear medicine, medical instrument,  
7           health, environmental health, medical, pathology,  
8           psychology, pharmacy, and medical records techni-  
9           cians.

10          “(11) Diagnostic radiologic, therapeutic  
11          radiologic, medical, and cytotechnologists.

12          “(12) Social service, rehabilitation therapist,  
13          nursing, and medical support assistants.

14          “(13) Psychologists.

15          “(14) Social workers.

16          “(15) Dietitians.

17          “(16) Industrial hygienists.

18          “(17) Microbiologists.

19          “(18) Chemists.

20          “(19) Biostatisticians.

21          “(20) Health system specialists.

22          “(21) Health system specialists/administrators.

23          “(22) Orthotist/prosthetists.

24          “(23) Medical records specialists/administra-  
25          tors.

1           “(24) Biomedical engineers.

2           “(25) Pharmacists.

3           “(26) Audiologist/speech pathologists.

4           “(27) Licensed practical nurses.

5           “(c) ADDITIONAL ELIGIBLE INDIVIDUALS.—The Sec-  
6   retary may identify other individuals in a healthcare occu-  
7   pation or profession who may be appointed under the au-  
8   thority in subsection (a) when the Secretary determines  
9   the use of such authority is necessary because of an expan-  
10   sion or other change in the healthcare mission of the De-  
11   partment or difficulty in employing individuals in such  
12   healthcare occupation or profession for service in the De-  
13   partment as a result of competing sources of employment  
14   or other reasons.”.

15          (b) CLERICAL AMENDMENT.—The table of sections  
16   at the beginning of such chapter is amended by adding  
17   at the end the following new item:

“9905. Direct hire authority for healthcare professionals.”.

18   **SEC. 1105. EXTENSION OF AUTHORITY TO MAKE LUMP SUM**  
19                           **SEVERANCE PAYMENTS.**

20          Section 5595(i)(4) of title 5, United States Code, is  
21   amended by striking “October 1, 2010” and inserting  
22   “October 1, 2014”.

1 **SEC. 1106. TECHNICAL CHANGE TO THE DEFINITION OF A**  
 2 **PROFESSIONAL ACCOUNTING POSITION.**

3 Section 1599d(e) of title 10, United States Code, is  
 4 amended by striking “GS–510, GS–511, and GS–505”  
 5 and inserting “0505, 0510, 0511, or equivalent”.

6 **TITLE XII—MATTERS RELATING**  
 7 **TO FOREIGN NATIONS**  
 8 **Subtitle A—Assistance and**  
 9 **Training**

10 **SEC. 1201. FUND FOREIGN VISITORS TO THE SERVICE**  
 11 **ACADEMY INTERNATIONAL PROGRAMS AND**  
 12 **ESTABLISH PER DIEM FOR FACULTY AND CA-**  
 13 **DETS IN STUDY ABROAD PROGRAMS.**

14 (a) IN GENERAL.—Chapter 53 of title 10, United  
 15 States Code, is amended by adding the following new sec-  
 16 tion:

17 **“§ 1060c. Service academy international programs**  
 18 **language and cultural immersion and for-**  
 19 **oreign exchange and cooperation activities**

20 “The superintendents of the United States Military  
 21 Academy, United States Naval Academy, and United  
 22 States Air Force Academy may pay the travel, subsistence,  
 23 and special compensation of officers, students, and rep-  
 24 resentatives of foreign countries and other hosting and en-  
 25 tertainment expenses of foreign visitors that the super-  
 26 intendent concerned considers necessary for international

1 cooperation. When United States Air Force Academy and  
 2 United States Military Academy cadets, and United States  
 3 Naval Academy midshipmen, travel or study abroad in  
 4 programs to enhance language skills and cultural under-  
 5 standing, the superintendent concerned may determine  
 6 that a rate lower than the per diem authorized in accord-  
 7 ance with the Joint Federal Travel Regulations should be  
 8 used.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of such chapter is amended by adding  
 11 at the end the following new item:

“1060c. Service academy international programs language and cultural immer-  
 sion and foreign exchange and cooperation activities.”.

12 **Subtitle B—Nonproliferation**  
 13 **Matters and Countries of Concern**

14 **SEC. 1211. WAIVER OF CERTAIN SANCTIONS AGAINST**  
 15 **NORTH KOREA.**

16 (a) ANNUAL WAIVER AUTHORITY.—

17 (1) Except as provided in subsection (b), the  
 18 President may waive in whole or in part, with re-  
 19 spect to North Korea, the application of any sanc-  
 20 tion contained in section 102(b) of the Arms Export  
 21 Control Act (22 U.S.C. 2799aa–1(b)), for the pur-  
 22 pose of—

23 (A) assisting in the implementation of the  
 24 North Korean commitment, undertaken in the

1 Joint Statement of September 19, 2005, “to  
2 abandoning all nuclear weapons and existing  
3 nuclear programs” as part of the verifiable  
4 denuclearization of the Korean Peninsula, and  
5 verification thereof; and

6 (B) promoting the elimination of the capa-  
7 bility of North Korea to develop, deploy, trans-  
8 fer, or maintain weapons of mass destruction,  
9 or their delivery systems.

10 (2) Any waiver issued pursuant to this sub-  
11 section shall expire at the end of the calendar year  
12 in which it was issued.

13 (b) EXCEPTIONS.—

14 (1) The authority under subsection (a) shall not  
15 apply with respect to a sanction or prohibition con-  
16 tained in subparagraph (B), (C), or (G) of section  
17 102(b)(2) of the Arms Export Control Act unless  
18 the President determines, and so certifies to the ap-  
19 propriate congressional committees, that—

20 (A) all reasonable steps will be taken to as-  
21 sure that the articles or services exported or  
22 otherwise provided will not be used to improve  
23 the military capabilities of the North Korean  
24 armed forces; and



1 (B) such waiver is in the national security  
2 interests of the United States.

3 (2) The authority under subsection (a) shall not  
4 apply with respect to—

5 (A) an activity described in subparagraph  
6 (A) or (C) of section 102(b)(1) of the Arms Ex-  
7 port Control Act that occurred after September  
8 19, 2005; or

9 (B) an activity described in subparagraph  
10 (D) of section 102(b)(1) of such Act that oc-  
11 curs after the date of enactment of this Act,  
12 unless the President determines, and so certifies to  
13 the appropriate congressional committees, that such  
14 waiver is vital to the national security interests of  
15 the United States.

16 (3) The authority under subsection (a) shall not  
17 apply with respect to an activity described in sub-  
18 paragraph (B) of section 102(b)(1) of such Act that  
19 occurs after the date of enactment of this Act.

20 (c) NOTIFICATIONS AND REPORTS.—

21 (1) Any waiver pursuant to subsection (a) shall  
22 be notified in writing to the appropriate congres-  
23 sional committees.

1           (2) No later than August 31, 2008, and annu-  
2           ally thereafter, the President shall submit to the ap-  
3           propriate congressional committees a report that—

4                   (A) lists all waivers issued pursuant to this  
5                   section in the preceding twelve months;

6                   (B) describes in detail the progress that is  
7                   being made in the implementation of the com-  
8                   mitment undertaken by North Korea, in the  
9                   Joint Statement of September 19, 2005, “to  
10                  abandoning all nuclear weapons and existing  
11                  nuclear programs” as part of the verifiable  
12                  denuclearization of the Korean Peninsula;

13                  (C) discusses specifically any shortcomings  
14                  in North Korea’s implementation of that com-  
15                  mitment; and

16                  (D) lists and describes the progress and  
17                  shortcomings, in the preceding twelve months,  
18                  of all other programs promoting the elimination  
19                  of North Korea’s capability to develop, deploy,  
20                  transfer, or maintain weapons of mass destruc-  
21                  tion or their delivery systems.

22           (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
23   DEFINED.—In this section, the term “appropriate con-  
24   gressional committees” means—

1 (1) the Committees on Appropriations, Armed  
2 Services, and Foreign Relations of the Senate; and

3 (2) the Committees on Appropriations, Armed  
4 Services, and Foreign Affairs of the House of Rep-  
5 resentatives.

## 6 **Subtitle C—Other Matters**

7 **SEC. 1221. SALES OF DEFENSE SERVICES TO BE PER-**  
8 **FORMED OVERSEAS TO SUPPORT DIRECT**  
9 **COMMERCIAL SALES BY UNITED STATES**  
10 **COMPANIES.**

11 (a) IN GENERAL.—Section 30(a) of the Arms Export  
12 Control Act (22 U.S.C. 2770) is amended by striking “:  
13 *Provided, however,* That such services may be performed  
14 only in the United States”.

15 (b) CLERICAL AMENDMENT.—The heading of chap-  
16 ter 2B of the Arms Export Control Act (Public Law 97–  
17 392; 96 Stat. 1962) is amended to read as follows:

1 **“CHAPTER 2B—SALES OF DEFENSE ARTI-**  
 2 **CLES AND SERVICES TO UNITED**  
 3 **STATES COMPANIES”.**

4 **TITLE XIII—MATTERS RELATING**  
 5 **TO BUILDING PARTNER CA-**  
 6 **PABILITIES TO COMBAT TER-**  
 7 **RORISM AND ENHANCE STA-**  
 8 **BILITY**

9 **Subtitle A—Building Security Ca-**  
 10 **capacity and Non-Military Sta-**  
 11 **bilization Support**

12 **SEC. 1301. BUILDING THE PARTNERSHIP CAPACITY OF**  
 13 **FOREIGN MILITARY AND OTHER SECURITY**  
 14 **FORCES.**

15 (a) IN GENERAL.—Chapter 20 of title 10, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing new section:

18 **“§ 409. Authority to build the capacity of foreign mili-**  
 19 **tary and security forces**

20 “(a) AUTHORITY.—The Secretary of Defense, with  
 21 the concurrence of the Secretary of State, may authorize  
 22 programs to build the capacity of a foreign country’s na-  
 23 tional military forces and other security forces, including  
 24 gendarmerie, constabulary, internal defense, infrastruc-  
 25 ture protection, civil defense, homeland defense, coast

1 guard, border protection, and counterterrorism forces, in  
2 order for that country to—

3 “(1) conduct counterterrorist operations; or

4 “(2) participate in or support military and sta-  
5 bility operations that are consistent with the security  
6 interests of the United States.

7 “(b) TYPES OF CAPACITY BUILDING.—

8 “(1) AUTHORIZED ELEMENTS.—Programs au-  
9 thorized under subsection (a) may be carried out by  
10 grant or otherwise, and may include the provision of  
11 equipment, supplies, and training, and minimal con-  
12 struction incidental to the provision of equipment.

13 “(2) REQUIRED ELEMENTS.—Programs author-  
14 ized under subsection (a) shall include elements that  
15 promote—

16 “(A) observance of and respect for human  
17 rights and fundamental freedoms; and

18 “(B) respect for legitimate civilian author-  
19 ity within that country.

20 “(3) PREPARATION ELEMENTS.—In preparation  
21 of execution of programs authorized under sub-  
22 section (a), United States armed forces may partici-  
23 pate in training activities authorized by section 2011  
24 of this title in nations where training pursuant to  
25 such section is on-going.

1 “(c) LIMITATIONS.—

2 “(1) AVAILABILITY OF FUNDS.—

3 “(A) The Secretary of Defense may use, or  
4 transfer to the Department of State or any  
5 other Federal agency, up to \$750,000,000 of  
6 funds in any fiscal year to conduct or support  
7 activities authorized under subsection (a).

8 “(B) Amounts available for the authority  
9 in subsection (a) for a fiscal year may be used  
10 for programs under that authority that begin in  
11 that fiscal year but end in the next fiscal year.

12 “(2) ASSISTANCE OTHERWISE PROHIBITED BY  
13 LAW.—The Secretary of Defense may not use the  
14 authority in subsection (a) to provide any type of as-  
15 sistance described in subsection (b) that is otherwise  
16 prohibited by any provision of law.

17 “(3) LIMITATION ON ELIGIBLE COUNTRIES.—  
18 The Secretary of Defense may not use the authority  
19 in subsection (a) to provide assistance described in  
20 subsection (b) to any foreign country that is other-  
21 wise prohibited from receiving such type of assist-  
22 ance under any other provision of law.

23 “(4) WAIVER AUTHORITY.—Notwithstanding  
24 any other provision of law, the President or the Sec-  
25 retary of State, as appropriate, may waive any re-

1       strictions that may apply to assistance for military  
2       or other security forces provided under this section  
3       upon determining that the applicable standard for  
4       any such waiver already available under existing law  
5       is met, or otherwise upon determining that it is in  
6       the national security interests of the United States  
7       to do so.

8       “(d) FORMULATION AND EXECUTION OF PRO-  
9       GRAM.—The Department of Defense and the Department  
10      of State shall jointly formulate any program authorized  
11      under subsection (a). The Secretary of Defense shall co-  
12      ordinate with the Secretary of State in the implementation  
13      of any program authorized under subsection (a).

14      “(e) CONGRESSIONAL NOTIFICATION.—

15             “(1) ACTIVITIES IN A COUNTRY.—Not less than  
16      15 days before initiating activities authorized under  
17      subsection (a) in any country, the Secretary of De-  
18      fense, in coordination with the Secretary of State,  
19      shall submit to the congressional committees speci-  
20      fied in paragraph (2) a notice of the following:

21             “(A) The country being assisted pursuant  
22      to subsection (a).

23             “(B) The budget, implementation timeline  
24      with milestones, and completion date for com-

1           pleting the program authorized under sub-  
2           section (a).

3           “(C) The source and planned expenditure  
4           of funds to complete the program authorized  
5           under subsection (a).

6           “(2) SPECIFIED CONGRESSIONAL COMMIT-  
7           TEES.—The congressional committees specified in  
8           this paragraph are the following:

9           “(A) The Committee on Armed Services,  
10          the Committee on Foreign Relations, and the  
11          Committee on Appropriations of the Senate.

12          “(B) The Committee on Armed Services,  
13          the Committee on Foreign Affairs, and the  
14          Committee on Appropriations of the House of  
15          Representatives.”.

16          (b) CLERICAL AMENDMENT.—The table of sections  
17          at the beginning of such chapter is amended by adding  
18          at the end the following new item:

“409. Authority to build the capacity of foreign military and security forces.”.

19       **Subtitle B—Enhancing Partners’**  
20       **Capacity for Effective Operations**

21       **SEC. 1311. LOANS OF SIGNIFICANT MILITARY EQUIPMENT.**

22          Section 2350(1) of title 10, United States Code, is  
23          amended by inserting before the period at the end the fol-  
24          lowing: “, except that such items of significant military  
25          equipment may be provided for temporary use, not to ex-



1 ceed one year, to security forces of nations participating  
 2 in combined operations with the United States armed  
 3 forces for personnel protection or to aid in personnel sur-  
 4 vivability, if the Secretary of Defense, with the concur-  
 5 rence of the Secretary of State, determines in writing that  
 6 it is in the national security interests of the United States  
 7 to provide such support”.

8 **SEC. 1312. GRANTS OF NON-LETHAL EXCESS DEFENSE AR-**  
 9 **TICLES BY GEOGRAPHIC COMBATANT COM-**  
 10 **MANDERS.**

11 (a) IN GENERAL.—Chapter 6 of title 10, United  
 12 States Code, is amended by inserting after section 166b  
 13 the following new section:

14 **“§ 166c. Geographic combatant commander’s author-**  
 15 **ity to transfer excess defense articles**

16 “(a) AUTHORIZATION.—A geographic combatant  
 17 commander, with the concurrence of the Secretary of  
 18 State, is authorized to transfer, on a grant basis, a total  
 19 of \$25,000 per year of non-lethal excess defense articles  
 20 to each country within that commander’s area of responsi-  
 21 bility for the purpose of building the capacity of such  
 22 countries to conduct counterterrorist operations, or to par-  
 23 ticipate in or support military and stability operations con-  
 24 sistent with the security interests of the United States.

1       “(b) LIMITATIONS ON TRANSFERS.—A geographic  
2 combatant commander may transfer excess defense arti-  
3 cles under this section only if—

4           “(1) such articles are drawn from existing  
5 stocks of the Department of Defense;

6           “(2) funds available to the Department of De-  
7 fense for the procurement of defense equipment are  
8 not expended in connection with the transfer; and

9           “(3) the transfer of such articles will not have  
10 an adverse impact on the military readiness of the  
11 United States.

12       “(c) TRANSPORTATION AND RELATED COSTS.—

13           “(1) IN GENERAL.—Except as provided in para-  
14 graph (2), funds available to the Department of De-  
15 fense may not be expended for crating, packing,  
16 handling, and transporting excess defense articles  
17 transferred under the authority of this section.

18           “(2) EXCEPTION.—A geographic combatant  
19 commander may provide for the transportation of  
20 excess defense articles without charge to a country  
21 for the costs of such transportation if—

22           “(A) it is determined that it is in the na-  
23 tional interest of the United States to do so;

24           “(B) the recipient is a developing country;

1                   “(C) the total weight of the transfer does  
2                   not exceed 50,000 pounds; and

3                   “(D) such transportation is accomplished  
4                   on a space available basis.

5           “(d) PROHIBITED TRANSFERS.—A geographic com-  
6     batant commander may not transfer under the authority  
7     in section (a) excess defense articles that are significant  
8     military equipment as defined in section 47(9) of the Arms  
9     Export Control Act (22 U.S.C. 2794(9)).

10          “(e) EXCESS COAST GUARD PROPERTY.—For pur-  
11     poses of this section, the term ‘excess defense articles’  
12     shall be deemed to include excess property of the Coast  
13     Guard. The term ‘Department of Defense’ shall be  
14     deemed, with respect to such excess property, to include  
15     the Coast Guard.

16          “(f) DEFINITIONS.—In this section:

17               “(1) The term ‘geographic combatant com-  
18     mander’ means the commander of a combatant com-  
19     mand (as such term is defined in section 161(c) of  
20     this title) with a geographic area of responsibility.

21               “(2) The term ‘excess defense articles’ has the  
22     meaning set forth in section 644(g) of the Foreign  
23     Assistance Act of 1961, as amended (22 U.S.C.  
24     2403(g)).”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by inserting  
 3 after the item relating to section 166b the following new  
 4 item:

“166c. Geographic combatant commander’s authority to transfer excess defense  
 articles.”.

5 **SEC. 1313. ESTABLISHMENT OF A DEFENSE COALITION**  
 6 **SUPPORT ACCOUNT TO MAINTAIN INVEN-**  
 7 **TORY OF CRITICAL ITEMS FOR COALITION**  
 8 **PARTNERS.**

9 (a) IN GENERAL.—The Arms Export Control Act is  
 10 amended—

11 (1) by striking “Special Defense Acquisition  
 12 Fund” each place it appears and inserting “Defense  
 13 Coalition Support Fund”;

14 (2) in section 51 (22 U.S.C. 2795)—

15 (A) in subsection (a)—

16 (i) in paragraph (1)—

17 (I) by striking “in consultation  
 18 with” and inserting “with the concu-  
 19 rence of”;

20 (II) by inserting “and manage-  
 21 ment” after “control”;

22 (III) by inserting “temporary use  
 23 or” after “anticipation of their”; and

1 (IV) by inserting “, including to  
2 support coalition or international mili-  
3 tary stability or counter-terrorist oper-  
4 ations” after “international organiza-  
5 tions”;

6 (ii) in paragraph (3), by inserting  
7 “(including temporary use)” after “trans-  
8 fer”;

9 (iii) in paragraph (4)—

10 (I) by striking “narcotics control  
11 purposes” and inserting “building  
12 partner capacity”; and

13 (II) by striking “such as small  
14 boats, planes (including helicopters),  
15 and communication equipment”;

16 (B) in subsection (b)—

17 (i) by striking “and” at the end of  
18 paragraph (2);

19 (ii) by inserting after paragraph (3)  
20 the following new paragraphs:

21 “(4) collections from leases made pursuant to  
22 section 61 of this Act; and

23 “(5) contributions of money or property from  
24 any United States or foreign person or entity, for-

1        eign government, or international organization for  
 2        use for purposes of the Fund,”; and

3                    (iii) in the matter after paragraph (5),  
 4                    as added by clause (ii), by inserting “to  
 5                    the Department of State or the Depart-  
 6                    ment of Defense” after “authorized and  
 7                    appropriated”;

8                    (C) by amending subsection (c) to read as  
 9        follows:

10        “(c) Except during a period of active hostilities, the  
 11        value of property purchased and held in inventory under  
 12        this section may not exceed \$200,000,000. Amounts cred-  
 13        ited to the Fund under subsection (b) shall remain avail-  
 14        able until expended.”; and

15                    (D) by adding at the end the following new  
 16        subsection:

17        “(d) TRANSFER OF FUNDS.—In order to carry out  
 18        the purposes of this Fund, amounts in the Fund may be  
 19        transferred to any current appropriation, fund, or account  
 20        of the Department of Defense or the Department of State,  
 21        and shall be merged with the appropriation, fund, or ac-  
 22        count to which transferred.”; and

23                    (3) in section 52 (22 U.S.C. 2795a)—

24                    (A) in subsection (a), by inserting “(in-  
 25        cluding temporary use)” after “transfer”; and

1 (B) in subsection (b), by striking “The  
 2 President may” and inserting “The Secretary  
 3 of Defense with the concurrence of the Sec-  
 4 retary of State may”.

5 (b) CONFORMING AMENDMENTS.—Section 114 of  
 6 title 10, United States Code, is amended—

7 (1) by striking subsection (c); and

8 (2) by redesignating subsections (d), (e), and  
 9 (f) as subsections (c), (d), and (e), respectively.

10 **SEC. 1314. REIMBURSEMENT OF SALARIES FOR RESERVE**  
 11 **COMPONENTS IN SUPPORT OF SECURITY CO-**  
 12 **OPERATION MISSIONS.**

13 Notwithstanding provisions concerning the salaries of  
 14 members of the Armed Forces in sections 503(a)(3) and  
 15 632(d) of the Foreign Assistance Act of 1961, the full cost  
 16 of salaries of military reservists may, during fiscal years  
 17 2009 and 2010, be included in calculating pricing or value  
 18 for reimbursement charged under those sections, respec-  
 19 tively.

20 **SEC. 1315. ENHANCED AUTHORITY TO PAY INCREMENTAL**  
 21 **EXPENSES FOR PARTICIPATION OF DEVEL-**  
 22 **OPING COUNTRIES IN COMBINED EXERCISES.**

23 Section 2010 of title 10, United States Code, is  
 24 amended by adding at the end the following new sub-  
 25 section:

1 “(e) Funds available under this section for any fiscal  
 2 year are available for use for programs that begin in such  
 3 fiscal year but end in the next fiscal year.”.

4 **Subtitle C—Developing Common-**  
 5 **ality by Expanding Professional**  
 6 **Military Education, Training,**  
 7 **and Support for Partners**

8 **SEC. 1321. AUTHORITY FOR DISTRIBUTION TO CERTAIN**  
 9 **FOREIGN PERSONNEL OF EDUCATION AND**  
 10 **TRAINING MATERIALS AND INFORMATION**  
 11 **TECHNOLOGY TO ENHANCE MILITARY INTER-**  
 12 **OPERABILITY.**

13 (a) DISTRIBUTION AUTHORIZED.—To enhance inter-  
 14 operability between the Armed Forces and military forces  
 15 of friendly foreign nations, the Secretary of Defense, with  
 16 the concurrence of the Secretary of State, may—

17 (1) provide to personnel referred to in sub-  
 18 section (b) electronic distributed learning content for  
 19 the education and training of such personnel for the  
 20 development or enhancement of allied and friendly  
 21 military and civilian capabilities for multinational  
 22 operations, including joint exercises and coalition op-  
 23 erations; and

24 (2) provide information technology, including  
 25 computer software developed for such purpose, but



1       only to the extent necessary to support the use of  
2       such learning content for the education and training  
3       of such personnel.

4       (b) AUTHORIZED RECIPIENTS.—The personnel to  
5       whom learning content and information technology may  
6       be provided under subsection (a) are military and civilian  
7       personnel of a friendly foreign government, with the per-  
8       mission of that government.

9       (c) EDUCATION AND TRAINING.—Any education and  
10      training provided under subsection (a) shall include the  
11      following:

12           (1) Internet-based education and training.

13           (2) Advanced distributed learning and similar  
14      Internet learning tools, as well as distributed train-  
15      ing and computer-assisted exercises.

16      (d) APPLICABILITY OF EXPORT CONTROL RE-  
17      GIMES.—The provision of learning content and informa-  
18      tion technology under this section shall be subject to the  
19      provisions of the Arms Export Control Act (22 U.S.C.  
20      2751 et seq.) and any other export control regime under  
21      law relating to the transfer of military technology to for-  
22      eign nations.

23      (e) SECRETARY OF DEFENSE GUIDANCE.—(1) GUID-  
24      ANCE REQUIRED.—The Secretary of Defense shall develop

1 and issue guidance on the procedures for the use of the  
2 authority provided in this section.

3 (2) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—

4 Not later than 30 days after issuing the guidance required  
5 by paragraph (1), the Secretary shall submit to the Com-  
6 mittees on Armed Services of the Senate and House of  
7 Representatives a report setting forth such guidance.

8 (3) MODIFICATION.—If the Secretary modifies the  
9 guidance issued under paragraph (1), the Secretary shall  
10 submit to the committees named in paragraph (2) a report  
11 setting forth the modified guidance not later than 30 days  
12 after the date of such modification.

13 (f) ANNUAL REPORT.—(1) REPORT REQUIRED.—

14 Not later than October 31 following the close of the fiscal  
15 year in which the authority granted herein is used, the  
16 Secretary of Defense shall submit to the committees  
17 named in subsection (f)(1) a report on the exercise of the  
18 authority provided in this section during the preceding fis-  
19 cal year.

20 (2) ELEMENTS.—Each report under paragraph (1)  
21 shall include, for the fiscal year covered by such report,  
22 the following:

23 (A) A statement of the recipients of learning  
24 content and information technology provided under  
25 this section.

1 (B) A description of the type, quantity, and  
2 value of the learning content and information tech-  
3 nology provided under this section.

4 **SEC. 1322. ENHANCING PARTICIPATION OF THE DEPART-**  
5 **MENT OF DEFENSE IN MULTINATIONAL MILI-**  
6 **TARY CENTERS OF EXCELLENCE.**

7 (a) IN GENERAL.—Subchapter II of chapter 138 of  
8 title 10, United States Code, is amended by adding at the  
9 end the following new section:

10 **“§ 2350m. Participation in multinational military cen-**  
11 **ters of excellence**

12 “(a) PARTICIPATION AUTHORIZED.—The Secretary  
13 of Defense may, with the concurrence of the Secretary of  
14 State, authorize the participation of members of the  
15 armed forces and Department of Defense civilian per-  
16 sonnel in any multinational military center of excellence  
17 hosted by any nation or combination of nations referred  
18 to in subsection (b) for purposes of—

19 “(1) enhancing the ability of military forces and  
20 civilian personnel of the nations participating in  
21 such center to engage in joint exercises or coalition  
22 or international military operations; or

23 “(2) improving interoperability between the  
24 Armed Forces of the United States and the military  
25 forces of friendly foreign nations.

1       “(b) COVERED NATIONS.—The nations referred to in  
2 this section are as follows:

3               “(1) The United States.

4               “(2) Any member nation of the North Atlantic  
5 Treaty Organization (NATO).

6               “(3) Any major non-NATO ally.

7               “(4) Any other friendly foreign nation identified  
8 by the Secretary of Defense, with the concurrence of  
9 the Secretary of State, for purposes of this section.

10       “(c) MEMORANDUM OF UNDERSTANDING.—(1) RE-  
11 QUIREMENT.—The participation of members of the armed  
12 forces or Department of Defense civilian personnel in a  
13 multinational military center of excellence under sub-  
14 section (a) shall be in accordance with the terms of one  
15 or more memoranda of understanding entered into by the  
16 Secretary of Defense, with the concurrence of the Sec-  
17 retary of State, and the foreign nation or nations con-  
18 cerned.

19       “(2) SCOPE.—If Department of Defense facilities,  
20 equipment, or funds are used to support a multinational  
21 military center of excellence under subsection (a), the  
22 memorandum of understanding under paragraph (1) with  
23 respect to that center shall provide details of any cost-  
24 sharing arrangement or other funding arrangement.

1       “(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)  
2 AVAILABILITY.—Funds appropriated to the Department  
3 of Defense for operation and maintenance are available  
4 as follows:

5           “(A) To pay the United States share of the op-  
6 erating expenses of any multinational military center  
7 of excellence in which the United States participates  
8 under this section.

9           “(B) To pay the costs of the participation of  
10 members of the armed forces and Department of  
11 Defense civilian personnel in multinational military  
12 centers of excellence under this section, including the  
13 costs of expenses of such participants.

14       “(2) LIMITATION ON USE OF FUNDS.—No funds  
15 may be used under this section to fund the pay or salaries  
16 of members of the armed forces and Department of De-  
17 fense civilian personnel who participate in multinational  
18 military centers of excellence under this section.

19       “(e) USE OF DEPARTMENT OF DEFENSE FACILITIES  
20 AND EQUIPMENT.—Facilities and equipment of the De-  
21 partment of Defense may be used for purposes of the sup-  
22 port of multinational military centers of excellence under  
23 this section that are hosted by the Department.

24       “(f) REPORT ON USE OF AUTHORITY.—

1           “(1) REPORT REQUIRED.—Not later than Octo-  
2           ber 31 following the close of the fiscal year in which  
3           the authority granted herein is used, the Secretary  
4           of Defense shall submit to the Committee on Armed  
5           Services of the Senate and the Committee on Armed  
6           Services of the House of Representatives a report on  
7           the use of the authority in this section during that  
8           fiscal year.

9           “(2) ELEMENTS.—The report required by para-  
10          graph (1) shall include the following:

11               “(A) A detailed description of the partici-  
12              pation of the Department of Defense, and of  
13              members of the armed forces and civilian per-  
14              sonnel of the Department, in multinational mili-  
15              tary centers of excellence under the authority of  
16              this section during the fiscal year.

17               “(B) For each multinational military cen-  
18              ter of excellence in which the Department of  
19              Defense, or members of the armed forces or  
20              Department of Defense civilian personnel, so  
21              participated—

22                   “(i) a description of such multi-  
23                  national military center of excellence;

24                   “(ii) a description of the activities  
25                  participated in by the Department, or by

1 members of the armed forces or Depart-  
2 ment of Defense civilian personnel; and

3 “(iii) a statement of the costs of the  
4 Department for such participation, includ-  
5 ing—

6 “(I) a statement of the United  
7 States share of the expenses of such  
8 center, and a statement of the per-  
9 centage of the United States share of  
10 the expenses of such center to the  
11 total expenses of such center; and

12 “(II) a statement of the amount  
13 of such costs (including a separate  
14 statement of the amount of costs paid  
15 for under the authority of this section  
16 by category of costs).

17 “(g) DEFINITIONS.—In this section:

18 “(1) The term ‘multinational military center of  
19 excellence’ means an entity sponsored by one or  
20 more nations that is accredited and approved by the  
21 Department of Defense as offering recognized exper-  
22 tise and experience to personnel participating in the  
23 activities of such entity for the benefit of United  
24 States forces and the militaries of friendly foreign

1 nations by providing such personnel opportunities  
2 to—

3 “(A) enhance education and training;

4 “(B) improve interoperability and capabili-  
5 ties;

6 “(C) assist in the development of doctrine;  
7 and

8 “(D) validate concepts through experimen-  
9 tation.

10 “(2) The term ‘major non-NATO ally’ means a  
11 country (other than a member nation of the North  
12 Atlantic Treaty Organization) that is designated as  
13 a major non-NATO ally by the Secretary of Defense,  
14 with the concurrence of the Secretary of State,  
15 under section 2350a of this title.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of such subchapter is amended by adding  
18 at the end the following new item:

“2350m. Participation in multinational military centers of excellence.”.

19 **SEC. 1323. REGIONAL DEFENSE COMBATING TERRORISM**  
20 **FELLOWSHIP PROGRAM.**

21 Section 2249c(b) of title 10, United States Code, is  
22 amended by striking “\$25,000,000” and inserting  
23 “\$35,000,000”.



1 **SEC. 1324. MILITARY-TO-MILITARY CONTACTS AND COM-**  
 2 **PARABLE ACTIVITIES.**

3 Section 168(e) of title 10, United States Code, is  
 4 amended by adding at the end the following new para-  
 5 graph:

6 “(5) Funds available under this section for any  
 7 fiscal year are available for use for programs that  
 8 begin in such fiscal year but end in the next fiscal  
 9 year.”.

10 **SEC. 1325. PAYMENT OF PERSONNEL EXPENSES FOR MUL-**  
 11 **TILATERAL COOPERATION PROGRAMS.**

12 (a) IN GENERAL.—Section 1051 of title 10, United  
 13 States Code, is amended—

14 (1) in the heading, by striking “Bilateral” and  
 15 inserting “Multilateral, bilateral,”;

16 (2) in subsection (a), by striking “a bilateral”  
 17 and inserting “a multilateral, bilateral,”;

18 (3) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking “to and” and inserting  
 21 “to, from, and”; and

22 (ii) by striking “bilateral” and insert-  
 23 ing “ multilateral, bilateral,”; and

24 (B) in paragraph (2), by striking “bilat-  
 25 eral” and inserting “ multilateral, bilateral,”;  
 26 and

1           (4) by adding at the end the following new sub-  
2       section:

3       “(e) Funds available under this section for any fiscal  
4   year are available for use for programs that begin in such  
5   fiscal year but end in the next fiscal year.”.

6       (b) CLERICAL AMENDMENT.—The table of sections  
7   at the beginning of chapter 53 of such title is amended  
8   by striking the item relating to section 1051 and inserting  
9   the following new item:

      “1051. Multilateral, bilateral, or regional cooperation programs: payment of per-  
          sonnel expenses.”.

10   **SEC. 1326. ENHANCING THE ABILITY OF THE UNITED**  
11                           **STATES GOVERNMENT TO CONDUCT COM-**  
12                           **PLEX OPERATIONS.**

13       (a) IN GENERAL.—Chapter 20 of title 10, United  
14   States Code, is amended by adding the following new sec-  
15   tion:

16   **“§ 412. Center for Complex Operations**

17       “(a) AUTHORITY.—The Secretary of Defense may es-  
18   tablish a Center for Complex Operations to—

19           “(1) coordinate more effectively the preparation  
20       of Department of Defense and other U.S. Govern-  
21       ment personnel for complex operations;

22           “(2) foster unity of effort among U.S. Govern-  
23       ment departments and agencies, foreign govern-

1       ments and militaries, international organizations,  
2       and non-governmental organizations;

3               “(3) conduct research; collect, analyze, and dis-  
4       tribute lessons learned; and compile best practices in  
5       the area of complex operations; and

6               “(4) identify education and training gaps of the  
7       Department of Defense and other Federal depart-  
8       ments and agencies and facilitate efforts to fill those  
9       gaps.

10       “(b) AUTHORITY TO PROVIDE SUPPORT AND TRANS-  
11       FER FUNDS.—The heads of other Federal departments  
12       and agencies are authorized to provide services, including  
13       personnel support, and to transfer funds to the Secretary  
14       of Defense to support the operation of the Center for Com-  
15       plex Operations.

16       “(c) AUTHORITY TO ACCEPT GIFTS AND DONA-  
17       TIONS.—

18               “(1) Subject to paragraph (3), the Secretary of  
19       Defense may accept from any source specified in  
20       paragraph (2) any gift or donation for purposes of  
21       defraying the costs or enhancing the operation of the  
22       center.

23               “(2) The sources from which gifts and dona-  
24       tions may be accepted under this subsection are the  
25       following:

1           “(A) The government of a State or a polit-  
2           ical subdivision of a State.

3           “(B) The government of a foreign country.

4           “(C) A foundation or other charitable or-  
5           ganization, including a foundation or charitable  
6           organization that is organized or operates under  
7           the laws of a foreign country.

8           “(D) Any source in the private sector of  
9           the United States or a foreign country.

10          “(3) LIMITATION.—The Secretary may not ac-  
11          cept a gift or donation under this subsection if ac-  
12          ceptance of the gift or donation would compromise  
13          or appear to compromise—

14               “(A) the ability of the Department of De-  
15               fense, any employee of the Department, or any  
16               member of the armed forces to carry out the re-  
17               sponsibility or duty of the Department in a fair  
18               and objective manner; or

19               “(B) the integrity of any program of the  
20               Department or of any person involved in such  
21               a program.

22          “(4) CRITERIA FOR ACCEPTANCE.—The Sec-  
23          retary of Defense shall prescribe written guidance  
24          setting forth the criteria to be used in determining

1 the applicability of paragraph (3) to any proposed  
2 gift or donation under this section.

3 “(d) CREDITING OF FUNDS.—Funds accepted by the  
4 Secretary of Defense under this section shall be credited  
5 to appropriations available to the Department of Defense  
6 for the Center for Complex Operations and shall be avail-  
7 able for the same purposes as the appropriations with  
8 which merged. Any funds accepted under this section shall  
9 remain available until expended.

10 “(e) DEFINITIONS.—(1) GIFT OR DONATION.—In  
11 this section, the term ‘gift or donation’ means any gift  
12 or donation of funds, materials (including research mate-  
13 rials), real or personal property, or services (including lec-  
14 ture services and faculty services).

15 “(2) COMPLEX OPERATIONS.—In this section, com-  
16 plex operations are defined as stability, security, transition  
17 and reconstruction operations, counterinsurgency, and ir-  
18 regular warfare.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

“412. Center for Complex Operations.”.

1 **Subtitle D—Setting Conditions**  
 2 **Through Support for Local Pop-**  
 3 **ulations**

4 **SEC. 1331. AMENDMENTS OF AUTHORITY FOR HUMANI-**  
 5 **TARIAN ASSISTANCE.**

6 Section 2561(a)(1) of title 10, United States Code,  
 7 is amended by inserting “and, with the concurrence of the  
 8 relevant Chief of Mission, for stabilization purposes” after  
 9 “other humanitarian purposes”.

10 **SEC. 1332. MAKING PERMANENT AND GLOBAL THE COM-**  
 11 **MANDERS EMERGENCY RESPONSE PROGRAM**  
 12 **FOR URGENT HUMANITARIAN AND RECON-**  
 13 **STRUCTION NEEDS IN THE FIELD.**

14 (a) IN GENERAL.—Chapter 20 of title 10, United  
 15 States Code, is amended by adding at the end the fol-  
 16 lowing new section:

17 **“§ 410. Commanders’ emergency response program**

18 “(a) AUTHORITY.—Funds made available to the De-  
 19 partment of Defense for the Commanders’ Emergency Re-  
 20 sponse Program for any fiscal year may be used by the  
 21 Secretary of Defense in such fiscal year to provide funds—

22 “(1) for the Commanders’ Emergency Response  
 23 Program in Iraq and a similar program in Afghani-  
 24 stan; and

1           “(2) for a similar program to assist the people  
2           of a developing country where United States forces  
3           are operating.

4           “(b) QUARTERLY REPORT.—Not later than 15 days  
5           after the end of each fiscal-year quarter, the Secretary of  
6           Defense shall submit to the congressional defense commit-  
7           tees a report regarding the source of funds and the alloca-  
8           tion and use of funds during that quarter that were made  
9           available pursuant to the authority provided in this section  
10          or under any other provision of law for the purposes of  
11          the programs under subsection (a).

12          “(c) SUBMISSION OF GUIDANCE.—

13                 “(1) INITIAL SUBMISSION.—Not later than 30  
14                 days after the date of the enactment of this Act, the  
15                 Secretary of Defense shall submit to the congres-  
16                 sional defense committees a copy of the guidance  
17                 issued by the Secretary to the Armed Forces con-  
18                 cerning the allocation of funds through the Com-  
19                 manders’ Emergency Response Program and any  
20                 similar program to assist the people of a developing  
21                 country.

22                 “(2) MODIFICATIONS.—If the guidance in effect  
23                 for the purpose stated in paragraph (1) is modified,  
24                 the Secretary shall submit to the congressional de-  
25                 fense committees a copy of the modification not later

1       than 15 days after the date on which the Secretary  
2       makes the modification.

3       “(d) WAIVER AUTHORITY.—For purposes of exer-  
4       cising the authority provided by this section or any other  
5       provision of law making funding available for the Com-  
6       manders’ Emergency Response Program referred to in  
7       subsection (a) (including a program referred to in para-  
8       graph (2) of that subsection), the Secretary of Defense  
9       may waive any provision of law not contained in this sec-  
10      tion that would (but for the waiver) prohibit, restrict,  
11      limit, or otherwise constrain the exercise of that authority.

12      “(e) EXECUTION OF PROGRAM.—Within sixty days of  
13      the enactment of this provision, the Departments of De-  
14      fense and State shall jointly develop procedures for the  
15      exercise of the authority in subsection (a). Such proce-  
16      dures shall provide for expeditious coordination between  
17      the Department of Defense and the Department of State  
18      to achieve agile, appropriate, and effective use of this au-  
19      thority to promote the security interests of the United  
20      States.

21      “(f) COMMANDERS’ EMERGENCY RESPONSE PRO-  
22      GRAM DEFINED.—In this section, the term ‘Commanders’  
23      Emergency Response Program’ means the program estab-  
24      lished by the Administrator of the Coalition Provisional  
25      Authority for the purpose of enabling United States mili-



1 tary commanders in Iraq to respond to urgent humani-  
 2 tarian relief and reconstruction requirements within their  
 3 areas of responsibility by carrying out programs that will  
 4 immediately assist the Iraqi people.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
 6 at the beginning of such chapter is amended by adding  
 7 at the end the following new item:

“410. Commanders’ emergency response program.”.

8 **DIVISION B—MILITARY CON-**  
 9 **STRUCTION AUTHORIZA-**  
 10 **TIONS**

11 **SEC. 2001. SHORT TITLE.**

12 This division may be cited as the “Military Construc-  
 13 tion Authorization Act for Fiscal Year 2009”.

14 **TITLE XXI—ARMY**

15 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 16 **ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts  
 18 appropriated pursuant to the authorization of appropria-  
 19 tions in section 2104(a)(1), the Secretary of the Army  
 20 may acquire real property and carry out military construc-  
 21 tion projects for the installations or locations inside the  
 22 United States, and in the amounts, set forth in the fol-  
 23 lowing table:

**Army: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Anniston Army Depot .....	45,000,000
Alaska .....	Fort Richardson .....	15,000,000
	Fort Wainwright .....	110,400,000
Arizona .....	Fort Huachuca .....	11,200,000
	Yuma Proving Ground .....	3,800,000
California .....	Fort Irwin .....	39,600,000
	Presidio, Monterey .....	15,000,000
	Sierra Army Depot .....	12,400,000
Colorado .....	Fort Carson .....	534,000,000
Georgia .....	Fort Benning .....	267,800,000
	Fort Stewart/Hunter Army Air Field .....	432,300,000
Hawaii .....	Schofield Barracks .....	279,000,000
	Wahiawa .....	40,000,000
Kansas .....	Fort Riley .....	155,000,000
Kentucky .....	Fort Campbell .....	108,113,000
Louisiana .....	Fort Polk .....	29,000,000
Missouri .....	Fort Leonard Wood .....	20,850,000
New York .....	Fort Drum .....	90,000,000
	United States Military Academy, West Point.	67,000,000
North Carolina .....	Fort Bragg .....	36,900,000
Oklahoma .....	Fort Sill .....	63,000,000
Pennsylvania .....	Carlisle Barracks .....	13,400,000
	Tobyhanna Army Depot .....	15,000,000
South Carolina .....	Fort Jackson .....	30,000,000
Texas .....	Corpus Christi Storage Complex .....	39,000,000
	Fort Bliss .....	1,031,800,000
	Fort Hood .....	32,000,000
	Fort Sam Houston .....	96,000,000
	Red River Army Depot .....	6,900,000
Virginia .....	Fort Belvoir .....	7,200,000
	Fort Eustis .....	14,400,000
	Fort Lee .....	100,600,000
	Fort Myer .....	14,000,000
Washington .....	Fort Lewis .....	158,000,000
	Total .....	3,933,663,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Afghanistan .....	Bagram Air Base .....	67,000,000
Germany .....	Katterbach .....	19,000,000

**Army: Outside the United States**—Continued

Country	Installation or Location	Amount
Japan .....	Wiesbaden Air Base .....	119,000,000
	Camp Zama .....	2,350,000
	Sagamihara .....	17,500,000
Korea .....	Camp Humphreys .....	20,000,000
	Total .....	244,850,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2104(a)(5)(A), the Secretary of the  
5 Army may construct or acquire family housing units (in-  
6 cluding land acquisition and supporting facilities) at the  
7 installations or locations, in the number of units, and in  
8 the amounts set forth in the following table:

**Army: Family Housing**

Country	Installation or Location	Purpose	Amount
Germany .....	Wiesbaden Air Base .....	326 Units	133,000,000
Korea .....	Camp Humphreys .....	216 Units	125,000,000
	Total .....	.....	258,000,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 section 2104(a)(5)(A), the Secretary of the Army may  
12 carry out architectural and engineering services and con-  
13 struction design activities with respect to the construction  
14 or improvement of family housing units in an amount not  
15 to exceed \$579,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2104(a)(5)(A),  
6 the Secretary of the Army may improve existing military  
7 family housing units in an amount not to exceed  
8 \$420,001,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal years beginning after September 30, 2008, for mili-  
12 tary construction, land acquisition, and military family  
13 housing functions of the Department of the Army in the  
14 total amount of \$6,010,610,000 as follows:

15 (1) For military construction projects inside the  
16 United States authorized by section 2101(a),  
17 \$3,933,663,000.

18 (2) For military construction projects outside  
19 the United States authorized by section 2101(b),  
20 \$244,850,000.

21 (3) For unspecified minor military construction  
22 projects authorized by section 2805 of title 10,  
23 United States Code, \$23,000,000.

24 (4) For architectural and engineering services  
25 and construction design under section 2807 of title  
26 10, United States Code, \$200,807,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-  
3 ning and design, and improvement of military  
4 family housing and facilities, \$678,580,000.

5 (B) For support of military family housing  
6 (including the functions described in section  
7 2833 of title 10, United States Code),  
8 \$716,110,000.

9 (6) For the construction of increment 3 of a  
10 barracks complex at Fort Lewis, Washington, au-  
11 thorized by section 2101(a) of the Military Construc-  
12 tion Authorization Act for Fiscal Year 2007 (divi-  
13 sion B of Public Law 109–364; 120 Stat. 2445),  
14 \$102,000,000.

15 (7) For the construction of increment 2 of the  
16 SOUTHCOM Headquarters at Miami Doral, Flor-  
17 ida, authorized by section 2101(a) of the Military  
18 Construction Authorization Act for Fiscal Year 2008  
19 (division B of Public Law 110–181; 122 Stat. xxxx),  
20 \$81,600,000.

21 (8) For the construction of increment 2 of the  
22 BDE Complex—Barracks/Community at Vicenza,  
23 Italy, authorized by section 2101(b) of the Military  
24 Construction Authorization Act for Fiscal Year 2008

(division B of Public Law 110–181; 122 Stat. xxxx),  
\$15,000,000.

(9) For the construction of increment 2 of the  
BDE Complex—Operations Support Facility, at  
Vicenza, Italy, authorized by section 2101(b) of the  
Military Construction Authorization Act for Fiscal  
Year 2008 (division B of Public Law 110–181; 122  
Stat. xxxx), \$15,000,000.

## **TITLE XXII—NAVY**

### **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts  
appropriated pursuant to the authorization of appropria-  
tions in section 2204(1), the Secretary of the Navy may  
acquire real property and carry out military construction  
projects for the installations or locations inside the United  
States, and in the amounts, set forth in the following  
table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	19,490,000
California .....	Marine Corps Base, Camp Pendleton .....	799,870,000
	Marine Corps Logistics Base, Barstow .....	7,830,000
	Marine Corps Air Station, Miramar .....	48,770,000
	Naval Air Facility, El Centro .....	8,900,000
	Naval Facility, San Clemente Island .....	34,020,000
	Naval Air Station, North Island .....	53,262,000
	Marine Corps Recruit Depot, San Diego .....	51,220,000
	Marine Corps Base, Twentynine Palms .....	145,550,000
Connecticut .....	Naval Submarine Base, Groton .....	46,060,000
District of Colum- bia.	Naval Support Activity, Washington .....	24,220,000
Florida .....	Naval Air Station, Jacksonville .....	12, 890,000
	Naval Station, Mayport .....	14,900,000
	Naval Support Activity, Tampa .....	29,000,000
Georgia .....	Marine Corps Logistics Base, Albany .....	15,320,000

**Navy: Inside the United States**—Continued

State	Installation or Location	Amount
Hawaii .....	Marine Corps Base, Hawaii .....	28,200,000
	Pacific Missile Range, Barking Sands .....	28,900,000
	Naval Station, Pearl Harbor .....	80,290,000
Illinois .....	Recruit Training Command, Great Lakes .....	62,940,000
Maryland .....	Naval Surface Warfare Center, Indian Head ..	13,930,000
Mississippi .....	Naval Construction Battalion Center, Gulfport	6,900,000
New Jersey .....	Naval Air Warfare Center, Lakehurst .....	15,440,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	77,420,000
	Marine Corps Air Station, New River .....	86,280,000
	Marine Corps Base, Camp Lejeune .....	353,090,000
Pennsylvania .....	Naval Support Activity, Philadelphia .....	22,020,000
Rhode Island .....	Naval Station, Newport .....	29,900,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	5,940,000
	Marine Corps Recruit Depot, Parris Island .....	64,750,000
	Marine Corps Base, Quantico .....	144,310,000
Virginia .....	Naval Station, Norfolk .....	53,330,000
	Total .....	2,384,942,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amounts, set forth in the following  
7 table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Cuba .....	Naval Air Station, Guantanamo Bay .....	20,600,000
Diego Garcia .....	Diego Garcia .....	35,060,000
Djibouti .....	Camp Lemonier .....	31,410,000
Guam .....	Naval Activities, Guam .....	88,430,000
	Total .....	175,500,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-  
10 tions in section 2204(a)(3), the Secretary of the Navy may  
11 acquire real property and carry out military construction

1 projects for unspecified installations or locations in the  
 2 amounts set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Unspecified ..	Unspecified Worldwide .....	94,020,000
	Total .....	94,020,000

3 **SEC. 2202. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2204(a)(6)(A), the Secretary of the  
 7 Navy may construct or acquire family housing units (in-  
 8 cluding land acquisition and supporting facilities) at the  
 9 installations or locations, in the number of units, and in  
 10 the amount set forth in the following table:

**Navy: Family Housing**

Location	Installation or Location	Purpose	Amount
Guantanamo Bay ....	Naval Air Station, Guantanamo Bay.	146 Units	62,598,000
	Total .....	.....	62,598,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in  
 13 section 2204(a)(6)(A), the Secretary of the Navy may  
 14 carry out architectural and engineering services and con-  
 15 struction design activities with respect to the construction  
 16 or improvement of family housing units in an amount not  
 17 to exceed \$2,169,000.



1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(a)(6)(A),  
6 the Secretary of the Navy may improve existing military  
7 family housing units in an amount not to exceed  
8 \$318,011,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal years beginning after September 30, 2008, for mili-  
12 tary construction, land acquisition, and military family  
13 housing functions of the Department of the Navy in the  
14 total amount of \$3,855,239,000, as follows:

15 (1) For military construction projects inside the  
16 United States authorized by section 2201(a),  
17 \$2,384,942,000.

18 (2) For military construction projects outside  
19 the United States authorized by section 2201(b),  
20 \$175,500,000.

21 (3) For military construction projects at un-  
22 specified worldwide locations authorized by section  
23 2201(c), \$94,020,000.

24 (4) For unspecified minor military construction  
25 projects authorized by section 2805 of title 10,  
26 United States Code, \$13,670,000.

1           (5) For architectural and engineering services  
2           and construction design under section 2807 of title  
3           10, United States Code, \$239,128,000.

4           (6) For military family housing functions:

5                 (A) For construction and acquisition, plan-  
6                 ning and design, and improvement of military  
7                 family housing and facilities, \$382,778,000.

8                 (B) For support of military family housing  
9                 (including functions described in section 2833  
10                of title 10, United States Code), \$376,062,000.

11           (7) For the construction of increment 2 of kilo  
12           wharf extension at Naval Forces Marianas Islands,  
13           Guam, authorized by section 2201(b) of the Military  
14           Construction Authorization Act for Fiscal Year 2008  
15           (division B of Public Law 110–181; 122 Stat. xxxx),  
16           \$50,912,000.

17           (8) For the construction of increment 2 of the  
18           sub drive-in magnetic silencing facility at Naval Sub-  
19           marine Base, Pearl Harbor, Hawaii, authorized in  
20           section 2201(a) of the Military Construction Author-  
21           ization Act for Fiscal Year 2008 (division B of Pub-  
22           lic Law 110–181; 122 Stat. xxxx), \$41,088,000.

23           (9) For the construction of increment 3 of the  
24           National Maritime Intelligence Center, Suitland,  
25           Maryland, authorized by section 2201(a) of the Mili-

1        tary Construction Authorization Act for Fiscal Year  
 2        2007 (division B of Public Law 109–364; 120 Stat.  
 3        2448), \$12,439,000.

4            (10) For the construction of increment 2 of  
 5        hangar 5 recapitalizations Naval Air Station,  
 6        Whidbey Island, Washington, authorized by section  
 7        2201(a) of the Military Construction Authorization  
 8        Act of Fiscal Year 2007 (division B of Public Law  
 9        109–364; 120 Stat. 2448), \$34,000,000.

10           (11) For the construction of increment 5 of the  
 11        limited area production and storage complex at  
 12        Naval Submarine Base, Kitsap, Bangor, Wash-  
 13        ington, authorized by section 2201(a) of the Military  
 14        Construction Authorization Act of Fiscal Year 2005  
 15        (division B of Public Law 108–375; 118 Stat.  
 16        2106), \$50,700,000.

17    **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 18                            **CERTAIN FISCAL YEAR 2005 PROJECT INSIDE**  
 19                            **THE UNITED STATES.**

20        The table in section 2201(a) of the Military Construc-  
 21        tion Authorization Act for Fiscal Year 2005 (division B  
 22        of Public Law 108–375; 118 Stat. 2105), as amended by  
 23        section 2206 of the Military Construction Authorization  
 24        Act for Fiscal Year 2006 (division B of Public Law 109–  
 25        163; 119 Stat. 3493) and section 2206 of the Military

1 Construction Authorization Act for Fiscal Year 2008 (di-  
 2 vision B of Public Law 110–181; 122 Stat. xxxx), is fur-  
 3 ther amended—

4 (1) in the item relating to Strategic Weapons  
 5 Facility Pacific, Bangor, Washington, by striking  
 6 “\$295,000,000” in the amount column and inserting  
 7 “\$311,670,000”; and

8 (2) by striking the amount identified as the  
 9 total in the amount column and inserting  
 10 “\$1,084,497,000”.

11 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 12 **CERTAIN FISCAL YEAR 2007 PROJECTS IN-**  
 13 **SIDE THE UNITED STATES.**

14 (a) MODIFICATIONS.—(1) The table in section  
 15 2201(a) of the Military Construction Authorization Act  
 16 for Fiscal Year 2007 (division B of Public Law 109–364,  
 17 120 Stat. 2083) is amended in the item relating to NMIC/  
 18 Naval Support Activity, Suitland, Maryland, by striking  
 19 “\$67,939,000” in the amount column and inserting  
 20 “\$76,288,000”.

21 (2) Section 2205(a)(17) of the Military Construction  
 22 Authorization Act for Fiscal Year 2008 (division B of  
 23 Public Law 110–181; 122 Stat. xxxx), is amended—

24 (A) in the item relating to Naval Air Station,  
 25 Whidbey Island, Washington, by striking

1 “\$57,653,000” in the amount column and inserting  
 2 “\$60,500,000”; and

3 (B) by striking the amount identified as the  
 4 total in the amount column and inserting  
 5 “\$772,761,000”.

6 (b) CONFORMING AMENDMENTS.—Section 2204(b)  
 7 of the Military Construction Authorization Act for Fiscal  
 8 Year 2007 (division B of Public Law 109–364; 120 Stat.  
 9 2452), is amended—

10 (1) in paragraph (1), by striking  
 11 “\$56,159,000” and inserting “\$64,508,000”; and

12 (2) in paragraph (2), by striking  
 13 “\$31,153,000” and inserting “\$34,000,000”.

## 14 **TITLE XXIII—AIR FORCE**

### 15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts  
 18 appropriated pursuant to the authorization of appropria-  
 19 tions in section 2304(1), the Secretary of the Air Force  
 20 may acquire real property and carry out military construc-  
 21 tion projects for the installations or locations inside the  
 22 United States, and in the amounts, set forth in the fol-  
 23 lowing table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Maxwell Air Force Base .....	15,556,000
Alaska .....	Elmendorf Air Force Base .....	138,300,000

**Air Force: Inside the United States**—Continued

State	Installation or Location	Amount
California .....	Edwards Air Force Base .....	3,100,000
Colorado .....	United States Air Force Academy .....	18,000,000
Delaware .....	Dover Air Force Base .....	19,000,000
Florida .....	Eglin Air Force Base .....	19,000,000
	MacDill Air Force Base .....	21,000,000
Georgia .....	Robins Air Force Base .....	24,100,000
Maryland .....	Andrews Air Force Base .....	77,648,000
Mississippi .....	Columbus Air Force Base .....	8,100,000
Nevada .....	Creech Air Force Base .....	48,500,000
	Nellis Air Force Base .....	53,300,000
New Mexico .....	Holloman Air Force Base .....	25,450,000
Oklahoma .....	Tinker Air Force Base .....	48,600,000
South Carolina .....	Charleston Air Force Base .....	4,500,000
Texas .....	Fort Hood .....	10,800,000
	Lackland Air Force Base .....	75,515,000
Utah .....	Hill Air Force Base .....	36,000,000
Washington .....	McChord Air Force Base .....	5,500,000
Wyoming .....	Francis E. Warren Air Force Base .....	8,600,000
	Total .....	660,569,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Afghanistan .....	Bagram Airfield .....	57,200,000
Guam .....	Andersen Air Force Base .....	5,200,000
Kyrgyzstan .....	Manas Air Base .....	6,000,000
Qatar .....	Qatar .....	59,638,000
United Kingdom .....	Royal Air Force Lakenheath .....	7,400,000
	Total .....	135,438,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-  
10 tions in section 2304(3), the Secretary of the Air Force  
11 may acquire real property and carry out military construc-

tion projects for unspecified installations or locations in  
the amounts set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Classified ... Worldwide Unspecified	Classified Location .....	891,000
	Unspecified Worldwide Locations .....	52,500,000
	Total .....	53,391,000

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using  
amounts appropriated pursuant to the authorization of ap-  
propriations in section 2304(6)(A), the Secretary of the  
Air Force may construct or acquire family housing units  
(including land acquisition and supporting facilities) at the  
installations, in the number of units, and in the amounts  
set forth in the following table:

**Air Force: Family Housing**

State	Installation or Location	Purpose	Amount
United Kingdom .....	Royal Air Force Lakenheath .....	182 Units	71,828,000
	Total .....	.....	71,828,000

(b) PLANNING AND DESIGN.—Using amounts appro-  
priated pursuant to the authorization of appropriations in  
section 2304(6)(A), the Secretary of the Air Force may  
carry out architectural and engineering services and con-  
struction design activities with respect to the construction  
or improvement of family housing units in an amount not  
to exceed \$7,708,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2304(6)(A), the  
6 Secretary of the Air Force may improve existing military  
7 family housing units in an amount not to exceed  
8 \$316,343,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
10 **FORCE.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal years beginning after September 30, 2008, for mili-  
13 tary construction, land acquisition, and military family  
14 housing functions of the Department of the Air Force in  
15 the total amount of \$1,930,236,000, as follows:

16 (1) For military construction projects inside the  
17 United States authorized by section 2301(a),  
18 \$660,569,000.

19 (2) For military construction projects outside  
20 the United States authorized by section 2301(b),  
21 \$135,438,000.

22 (3) For the military construction projects at  
23 unspecified worldwide locations authorized by section  
24 2301(c), \$53,391,000.



1           (4) For unspecified minor military construction  
 2 projects authorized by section 2805 of title 10,  
 3 United States Code, \$15,000,000.

4           (5) For architectural and engineering services  
 5 and construction design under section 2807 of title  
 6 10, United States Code, \$70,494,000.

7           (6) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
 9 ning and design, and improvement of military  
 10 family housing and facilities, \$395,879,000.

11                (B) For support of military family housing  
 12 (including functions described in section 2833  
 13 of title 10, United States Code), \$599,465,000.

## 14           **TITLE XXIV—DEFENSE** 15                 **AGENCIES**

### 16   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 17                 **TION AND LAND ACQUISITION PROJECTS.**

18           (a) INSIDE THE UNITED STATES.—Using amounts  
 19 appropriated pursuant to the authorization of appropria-  
 20 tions in section 2404(1), the Secretary of Defense may  
 21 acquire real property and carry out military construction  
 22 projects for the installations or locations inside the United  
 23 States, and in the amounts, set forth in the following  
 24 table:

**Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or Location</b>	<b>Amount</b>
Defense Education Activity.	Fort Campbell, Kentucky .....	21,400,000
	Fort Bragg, North Carolina .....	78,471,000
Defense Intelligence Agency.	Scott Air Force Base, Illinois .....	13,977,000
Defense Logistics Agency.	Defense Distribution Depot, Tracy, California.	50,300,000
	Defense Fuel Supply Center, Dover Air Force Base, Delaware.	3,373,000
	Defense Fuel Support Point, Jacksonville, Florida.	34,000,000
	Hunter Army Air Field, Georgia .....	3,500,000
	Pearl Harbor, Hawaii .....	27,700,000
	Kirtland Air Force Base, New Mexico .....	14,400,000
	Altus Air Force Base, Oklahoma .....	2,850,000
	Philadelphia, Pennsylvania .....	1,200,000
	Hill Air Force Base, Utah .....	20,400,000
	Craney Island, Virginia .....	39,900,000
	Fort Meade, Maryland .....	31,000,000
National Security Agency.		
Special Operations Command.	Naval Amphibious Base, Coronado, California.	9,800,000
	Eglin Air Force Base, Florida .....	40,000,000
	Hurlburt Field, Florida .....	8,900,000
	MacDill Air Force Base, Florida .....	10,500,000
	Fort Campbell, Kentucky .....	15,000,000
	Cannon Air Force Base, New Mexico .....	18,100,000
	Fort Bragg, North Carolina .....	38,250,000
	Fort Story, Virginia .....	11,600,000
	Fort Lewis, Washington .....	38,000,000
	Fort Richardson, Alaska .....	6,300,000
	Buckley Air Force Base, Colorado .....	3,000,000
	Fort Benning, Georgia .....	3,900,000
TRICARE Management Activity.	Fort Riley, Kansas .....	52,000,000
	Fort Campbell, Kentucky .....	24,000,000
	Aberdeen Proving Ground, Maryland .....	430,000,000
	Fort Leonard Wood, Missouri .....	22,000,000
	Tinker Air Force Base, Oklahoma .....	65,000,000
	Fort Sam Houston, Texas .....	13,000,000
	Pentagon Reservation, Virginia .....	38,940,000
Washington Headquarters Services.		
	Total .....	1,190,761,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or Location</b>	<b>Amount</b>
Defense Logistics Agency .....	Germersheim, Germany .....	48,000,000
	Souda Bay, Greece .....	27,761,000
Special Operations Command .....	Al Udeid, Qatar .....	9,200,000
TRICARE Management Activity .....	Naval Activities, Guam .....	30,000,000
	Total .....	114,961,000

3 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2404(3), the Secretary of Defense may  
 6 acquire real property and carry out military construction  
 7 projects for unspecified installations or locations in the  
 8 amount set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
Worldwide Unspecified ..	Unspecified Locations .....	862,980,000
	Total .....	862,980,000

9 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

10 Using amounts appropriated pursuant to the author-  
 11 ization of appropriations in section 2404(7), the Secretary  
 12 of Defense may carry out energy conservation projects  
 13 under chapter 173 of title 10, United States Code, in the  
 14 amount of \$80,000,000.

1 **SEC. 2403. AUTHORIZED BASE CLOSURE AND REALIGN-**  
2 **MENT ACTIVITIES FUNDED THROUGH DE-**  
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
4 **COUNT 2005.**

5 Using amounts appropriated pursuant to the author-  
6 ization of appropriations in section 2404(9), the Secretary  
7 of Defense may carry out base closure and realignment  
8 activities, including real property acquisition and military  
9 construction projects, as authorized by the Defense Base  
10 Closure and Realignment Act of 1990 (part A of title  
11 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and  
12 funded through the Department of Defense Base Closure  
13 Account 2005 established by section 2906A of such Act,  
14 in the amount of \$7,138,021,000.

15 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
16 **FENSE AGENCIES.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal years beginning after September 30, 2008, for mili-  
19 tary construction, land acquisition, and military family  
20 housing functions of the Department of Defense (other  
21 than the military departments) in the total amount of  
22 \$11,297,342,000, as follows:

23 (1) For military construction projects inside the  
24 United States authorized by section 2401(a),  
25 \$784,511,000.

1           (2) For military construction projects outside  
2           the United States authorized by section 2401(b),  
3           \$114,961,000.

4           (3) For the military construction projects at  
5           unspecified worldwide locations authorized by section  
6           2401(c), \$266,660,000.

7           (4) For unspecified minor military construction  
8           projects under section 2805 of title 10, United  
9           States Code, \$31,853,000.

10          (5) For contingency construction projects of the  
11          Secretary of Defense under section 2804 of title 10,  
12          United States Code, \$10,000,000.

13          (6) For architectural and engineering services  
14          and construction design under section 2807 of title  
15          10, United States Code, \$155,793,000.

16          (7) For energy conservation projects authorized  
17          by section 2402 of this Act, \$80,000,000.

18          (8) For base closure and realignment activities  
19          as authorized by the Defense Base Closure and Re-  
20          alignment Act of 1990 (part A of title XXIX of  
21          Public Law 101–510; 10 U.S.C. 2687 note) and  
22          funded through the Department of Defense Base  
23          Closure Account 1990 established by section 2906 of  
24          such Act, \$393,377,000.

1           (9) For base closure and realignment activities  
2           authorized by section 2403 of this Act and funded  
3           through the Department of Defense Base Closure  
4           Account 2005 established by section 2906A of the  
5           Defense Base Closure and Realignment Act of 1990  
6           (part A of title XXIX of Public Law 101–510; 10  
7           U.S.C. 2687 note), \$9,065,386,000.

8           (10) For support of military family housing (in-  
9           cluding functions described in section 2833 of title  
10          10, United States Code), \$54,581,000.

11          (11) For the construction of increment 4 of the  
12          National Security Agency/Central Security Service  
13          replacement at Augusta, Georgia, authorized by sec-  
14          tion 2401(a) of the Military Construction Authoriza-  
15          tion Act of Fiscal Year 2006 (division B of Public  
16          Law 109–163; 119 Stat. 3497), as amended by sec-  
17          tion 7016 of the Emergency Supplemental Appro-  
18          priation Act for Defense, Global War on Terrorism  
19          and Hurricane Relief (Public Law 109–234; 120  
20          Stat. 485), \$100,220,000.

21          (12) For the construction of increment 2 of the  
22          U.S. Army Medical Research Institute for Infectious  
23          Diseases Stage 1 at Fort Detrick, Maryland, author-  
24          ized by section 2401(a) of the Military Construction  
25          Authorization Act of Fiscal Year 2007 (division B of

1       Public Law 109–364; 120 Stat. 2457),  
2       \$209,000,000.

3           (13) For the construction of increment 2 of the  
4       SOF Operational Facility at Dam Neck, Virginia,  
5       authorized by section 2401(a) of the Military Con-  
6       struction Authorization Act of Fiscal Year 2008 (di-  
7       vision B of Public Law 110–181; 122 Stat. xxxx),  
8       \$150,000,000.

9       **TITLE XXV—NORTH ATLANTIC**  
10       **TREATY ORGANIZATION SE-**  
11       **CURITY INVESTMENT PRO-**  
12       **GRAM**

13       **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
14               **ACQUISITION PROJECTS.**

15       The Secretary of Defense may make contributions for  
16       the North Atlantic Treaty Organization Security Invest-  
17       ment Program as provided in section 2806 of title 10,  
18       United States Code, in an amount not to exceed the sum  
19       of the amount authorized to be appropriated for this pur-  
20       pose in section 2502 and the amount collected from the  
21       North Atlantic Treaty Organization as a result of con-  
22       struction previously financed by the United States.

23       **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

24       Funds are hereby authorized to be appropriated for  
25       fiscal years beginning after September 30, 2008, for con-

1 tributions by the Secretary of Defense under section 2806  
 2 of title 10, United States Code, for the share of the United  
 3 States of the cost of projects for the North Atlantic Treaty  
 4 Organization Security Investment Program authorized by  
 5 section 2501, in the amount of \$240,867,000.

6 **TITLE XXVI—CHEMICAL**  
 7 **DEMILITARIZATION PROGRAM**

8 **SEC. 2601. AUTHORIZED CHEMICAL DEMILITARIZATION**  
 9 **PROGRAM CONSTRUCTION AND LAND ACQUI-**  
 10 **SITION PROJECTS.**

11 Using amounts appropriated pursuant to the author-  
 12 ization of appropriations in section 2602(1), the Secretary  
 13 of Defense may acquire real property and carry out mili-  
 14 tary construction projects for the installations or locations  
 15 inside the United States, and in the amounts, set forth  
 16 in the following table:

**Chemical Demilitarization Program: Inside the United States**

Agency	Installation or Location	Amount
Army .....	Blue Grass Army Depot, Kentucky .....	12,000,000
	Total .....	12,000,000

17 **SEC. 2602. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
 18 **ICAL DEMILITARIZATION CONSTRUCTION,**  
 19 **DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for  
 21 fiscal years beginning after September 30, 2008, for mili-  
 22 tary construction and land acquisition for Chemical De-



1 militarization in the total amount of \$134,278,000, as fol-  
2 lows:

3           (1) For military construction projects inside the  
4       United States authorized by section 2601(a),  
5       \$12,000,000.

6           (2) For the construction of phase 10 of a muni-  
7       tions demilitarization facility at Pueblo Chemical Ac-  
8       tivity, Colorado, authorized by section 2401(a) of the  
9       Military Construction Authorization Act for Fiscal  
10      Year 1997 (division B of Public Law 104–201; 110  
11      Stat. 2775), as amended by section 2406 of the Mili-  
12      tary Construction Authorization Act for Fiscal Year  
13      2000 (division B of Public Law 106–65; 113 Stat.  
14      839), and section 2407 of the Military Construction  
15      Authorization Act for Fiscal Year 2003 (division B  
16      of Public Law 107–314; 116 Stat. 2698),  
17      \$65,060,000.

18           (3) For the construction of phase 9 of a muni-  
19      tions demilitarization facility at Blue Grass Army  
20      Depot, Kentucky, authorized by section 2401(a) of  
21      the Military Construction Authorization Act for Fis-  
22      cal Year 2000 (division B of Public Law 106–65;  
23      113 Stat. 835), as amended by section 2405 of the  
24      Military Construction Authorization Act for Fiscal  
25      Year 2002 (division B of Public Law 107–107; 115

1 Stat. 1298), and section 2405 of the Military Con-  
2 struction Authorization Act for Fiscal Year 2003  
3 (division B of Public Law 107–314; 116 Stat.  
4 2698), \$57,218,000.

5 **SEC. 2603. MODIFICATION OF AUTHORITY TO CARRY OUT**  
6 **CERTAIN FISCAL YEAR 1997 PROJECT.**

7 (a) MODIFICATIONS.—The table in section 2401(a)  
8 of the Military Construction Authorization Act for Fiscal  
9 Year 1997 (division B of Public Law 104–201; 110 Stat.  
10 2775), as amended by section 2406 of the Military Con-  
11 struction Authorization Act for Fiscal Year 2000 (division  
12 B of Public Law 106–65; 113 Stat. 839) and section 2407  
13 of the Military Construction Authorization Act for Fiscal  
14 Year 2003 (division B of Public Law 107–314; 116 Stat.  
15 2699), is amended—

16 (1) under the agency heading relating to Chem-  
17 ical Demilitarization Program, in the item relating  
18 to Pueblo Army Depot, Colorado, by striking  
19 “\$261,000,000” in the amount column and inserting  
20 “\$484,000,000”; and

21 (2) by striking the amount identified as the  
22 total in the amount column and inserting  
23 “\$830,454,000”.

24 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
25 of the Military Construction Authorization Act for Fiscal

1 Year 1997 (110 Stat. 2779), as so amended, is further  
2 amended by striking “\$261,000,000” and inserting  
3 “\$484,000,000”.

4 **SEC. 2604. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5 **CERTAIN FISCAL YEAR 2000 PROJECT.**

6 (a) MODIFICATIONS.—The table in section 2401(a)  
7 of the Military Construction Authorization Act for Fiscal  
8 Year 2000 (division B of Public Law 106–65; 113 Stat.  
9 835), as amended by section 2405 of the Military Con-  
10 struction Authorization Act for Fiscal Year 2002 (division  
11 B of Public Law 107–107; 115 Stat. 1298) and section  
12 2405 of the Military Construction Authorization Act for  
13 Fiscal Year 2003 (division B of Public Law 107–314; 116  
14 Stat. 2698), is amended—

15 (1) under the agency heading relating to Chem-  
16 ical Demilitarization, in the item relating to Blue  
17 Grass Army Depot, Kentucky, by striking  
18 “\$290,325,000” in the amount column and inserting  
19 “\$492,000,000”; and

20 (2) by striking the amount identified as the  
21 total in the amount column and inserting  
22 “\$949,920,000”.

23 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
24 of the Military Construction Authorization Act for Fiscal  
25 Year 2000 (113 Stat. 839), as so amended, is further

1 amended by striking “\$267,525,000” and inserting  
 2 “\$469,200,000”.

3 **SEC. 2605. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 4 **CERTAIN FISCAL YEAR 2007 PROJECT.**

5 (a) MODIFICATION.—The table in section 2401 of the  
 6 Military Construction Authorization Act for Fiscal Year  
 7 2007 (division B of Public Law 109–364; 120 Stat. 2457),  
 8 is amended under the agency heading relating to the  
 9 TRICARE Management Activity, in the item relating to  
 10 Fort Detrick, Maryland, by striking “\$550,000,000” in  
 11 the amount column and inserting “\$683,000,000”.

12 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
 13 of the Military Construction Authorization Act of Fiscal  
 14 Year 2007 (120 Stat. 2461) is amended by striking  
 15 “\$521,000,000” and inserting “\$654,000,000”.

16 **TITLE XXVII—GUARD AND**  
 17 **RESERVE FORCES FACILITIES**

18 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
 19 **TION AND LAND ACQUISITION PROJECTS.**

20 Funds are hereby authorized to be appropriated for  
 21 fiscal years beginning after September 30, 2008, for the  
 22 costs of acquisition, architectural and engineering services,  
 23 and construction of facilities for the Reserve components,  
 24 and for contributions therefore, under chapter 1803 of

1 title 10, United States Code (including the cost of acqui-  
 2 sition of land for those facilities), in the following amounts:

3 (1) For the Department of the Army—

4 (A) for the Army National Guard of the  
 5 United States, \$539,296,000; and

6 (B) for the Army Reserve, \$281,687,000.

7 (2) For the Department of the Navy, for the  
 8 Navy Reserve and Marine Corps Reserve,  
 9 \$57,045,000.

10 (3) For the Department of the Air Force—

11 (A) for the Air National Guard of the  
 12 United States, \$34,374,000; and

13 (B) for the Air Force Reserve,  
 14 \$19,265,000.

## 15 **TITLE XXVIII—EXPIRATION AND** 16 **EXTENSION OF AUTHORIZA-** 17 **TIONS**

### 18 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND** 19 **AMOUNTS REQUIRED TO BE SPECIFIED BY** 20 **LAW.**

21 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
 22 YEARS.—Except as provided in subsection (b), all author-  
 23 izations contained in titles XXI through XXVII for mili-  
 24 tary construction projects, land acquisition, family housing  
 25 projects and facilities, and contributions to the North At-

1 lantic Treaty Organization Security Investment Program  
2 (and authorizations of appropriations therefore) shall ex-  
3 pire on the later of—

4 (1) October 1, 2011; or

5 (2) the date of the enactment of an Act author-  
6 izing funds for military construction for fiscal year  
7 2012.

8 (b) EXCEPTION.—Subsection (a) shall not apply to  
9 authorizations for military construction projects, land ac-  
10 quisition, family housing projects and facilities, and con-  
11 tributions to the North Atlantic Treaty Organization Se-  
12 curity Investment Program (and authorizations of appro-  
13 priations therefore), for which appropriated funds have  
14 been obligated before the later of—

15 (1) October 1, 2011; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for fiscal year 2012 for military con-  
18 struction projects, land acquisition, family housing  
19 projects and facilities, or contributions to the North  
20 Atlantic Treaty Organization Security Investment  
21 Program.

22 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
23 **FISCAL YEAR 2006 PROJECTS.**

24 (a) EXTENSION.—Notwithstanding section 2701 of  
25 the Military Construction Authorization Act for Fiscal

1 Year 2006 (division B of Public Law 109–163; 119 Stat.  
 2 3501), authorizations set forth in the tables in subsection  
 3 (b), as provided in sections 2101, 2302, and 2601 of that  
 4 Act, shall remain in effect until October 1, 2009, or the  
 5 date of the enactment of an Act authorizing funds for mili-  
 6 tary construction for fiscal year 2010, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)  
 8 are as follows:

**Army: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
Hawaii .....	Pohakuloa .....	Tactical Vehicle Wash Facility.	9,207,000
Virginia .....	Fort Belvoir .....	Battle Area Complex Defense Access Road	33,660,000 18,000,000

**Air Force: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
Alaska .....	Eielson Air Force Base.	Replace Family Housing (92 units).	37,650,000
		Purchase Build/Lease Housing (300 units).	18,144,000
California .....	Edwards Air Force Base.	Replace Family Housing (226 units).	59,699,000
Florida .....	MacDill Air Force Base.	Replace Family Housing (109 units).	40,982,000
Missouri .....	Whiteman Air Force Base.	Replace Family Housing (111 units).	26,917,000
North Carolina .....	Seymour Johnson Air Force Base.	Replace Family Housing (255 units).	48,868,000
North Dakota .....	Grand Forks Air Force Base.	Replace Family Housing (150 units).	43,353,000

**Army National Guard: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Roberts .....	Urban Assault Course.	1,485,000
Idaho .....	Gowen Field .....	Railhead, Phase 1 ....	8,331,000
Mississippi .....	Biloxi .....	Readiness Center .....	16,987,000

**Army National Guard: Extension of 2006 Project  
Authorizations—Continued**

State	Installation or Location	Project	Amount
Montana .....	Camp Shelby .....	Modified Record Fire Range.	2,970,000
	Townsend .....	Automated Qualification Training Range.	2,532,000
Pennsylvania .....	Philadelphia .....	Stryker Brigade Combat Team Readiness Center.	11,806,000
		Organizational Maintenance Shop #7.	6,144,930

**Defense Agencies: Extension of 2006 Project Authorizations**

Agency	Installation or Location	Project	Amount
Defense Logistics Agency.	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	Replace Physical Fitness Facility.	6,500,000

**1 SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
**2 FISCAL YEAR 2005 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2005 (division B of Public Law 108–375; 118 Stat.  
6 2116), authorizations set forth in the tables in subsection  
7 (b), as provided in sections 2101, 2301, 2302, and 2601  
8 of that Act, shall remain in effect until October 1, 2009,  
9 or the date of the enactment of an Act authorizing funds  
10 for military construction for fiscal year 2010, whichever  
11 is later.

12 (b) TABLES.—The tables referred to in subsection (a)  
13 are as follows:



**Army: Extension of 2005 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Hawaii .....	Schofield Barracks ...	Combined Arms Collective Training Facility.	32,542,000

**Air Force: Extension of 2005 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Arizona .....	Davis-Monthan Air Force Base.	Replace Family Housing (250 units).	48,500,000
California .....	Vandenberg Air Force Base.	Replace Family Housing (120 units).	30,906,000
Florida .....	MacDill Air Force Base.	Construct Housing Maintenance Facility.	1,250,000
Missouri .....	Whiteman Air Force Base.	Replace Family Housing (160 units).	37,087,000
North Carolina .....	Seymour Johnson Air Force Base.	Replace Family Housing (167 units).	32,693,000
Germany .....	Ramstein Air Base ...	USAFE Theater Aerospace Operations Support Center.	24,204,000

**Army National Guard: Extension of 2005 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California .....	Dublin .....	Readiness Center, Add/Alt (ADRS).	11,318,000

1 **TITLE XXIX—MILITARY CON-**  
2 **STRUCTION GENERAL PROVI-**  
3 **SIONS**

4 **Subtitle A—Military Construction**  
5 **Program and Military Family**  
6 **Housing Changes**

7 **SEC. 2901. MODIFICATION OF LONG-TERM LEASING AU-**  
8 **THORITY FOR MILITARY FAMILY HOUSING.**

9 (a) **AUTHORITY.**—Section 2835 of title 10, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new subsections:

12 “(i) **HOUSING OF OTHER PERSONNEL.**—(1) At any  
13 point in the lease term, to the extent that housing con-  
14 structed and leased under this section is not required by  
15 military families, the Secretary of a military department  
16 may assign military members, without dependents, to such  
17 housing without rental charge to the member so assigned.

18 “(2) A member, without dependents, who is assigned  
19 to housing pursuant to this section shall be considered to  
20 be assigned to quarters pursuant to section 403(e) of title  
21 37.

22 “(j) **CONVERSION TO LONG-TERM LEASING OF MILI-**  
23 **TARY UNACCOMPANIED HOUSING.**—(1) During the period  
24 of the lease term, if the Secretary concerned determines  
25 that the housing constructed and leased under this section

1 is excess to the long-term needs of the Family Housing  
2 Program of the Department of Defense, the Secretary  
3 concerned may convert the lease to a long-term lease of  
4 military unaccompanied housing.

5 “(2) The term of the conversion to military unaccom-  
6 panied housing under paragraph (1) may not exceed the  
7 remaining term of the existing long-term lease of family  
8 housing being converted.

9 “(k) ADVANCE NOTICE OF INTENT TO CONVERT.—  
10 The Secretary concerned may not convert the long-term  
11 family housing lease to unaccompanied housing under sub-  
12 section (j) until—

13 “(1) the secretary concerned submits to the  
14 congressional defense committees, in writing, a no-  
15 tice of the intent to accomplish such conversion to  
16 unaccompanied housing, including—

17 “(A) a justification for the conversion;

18 “(B) a description of the long-term lease  
19 to be converted;

20 “(C) the lease amount; and

21 “(D) the lease expiration date; and

22 “(2) a period of 21 days has expired following  
23 the date on which the justification is received by the  
24 committees or, if over sooner, a period of 14 days  
25 has expired following the date on which a copy of

1 the justification is provided in an electronic medium  
 2 pursuant to section 480 of this title.

3 “(l) SECTION 801 HOUSING.—Subsections (i), (j),  
 4 and (k) also shall apply to housing leased by a military  
 5 department pursuant to authority contained in section 801  
 6 of the Military Construction Authorization Act, 1984  
 7 (Public Law 98–115; 97 Stat. 782).”.

8 **SEC. 2902. UNSPECIFIED MINOR CONSTRUCTION.**

9 Section 2805 of title 10, United States Code, is  
 10 amended—

11 (1) In subsection (a)(1)—

12 (A) by striking “\$1,500,000” and inserting  
 13 “\$2,500,000”; and

14 (B) by striking “\$3,000,000” in the last  
 15 sentence and inserting “\$4,250,000”;

16 (2) in subsection (b)(1), by striking “\$750,000”  
 17 and inserting “\$1,000,000”; and

18 (3) In subsection (c)(1)—

19 (A) in subparagraph (A), by striking  
 20 “\$1,500,000” and inserting “\$2,000,000”; and

21 (B) in subparagraph (B), by striking  
 22 “\$750,000” and inserting “\$1,000,000”.

1 **SEC. 2903. FLEXIBILITY IN DETERMINING DOMESTIC FAM-**  
 2 **ILY HOUSING LEASE MAXIMUMS.**

3 Section 2828(b) of title 10, United States Code, is  
 4 amended—

5 (1) in paragraph (2), by striking “paragraphs  
 6 (3) and (4)” and inserting “paragraphs (3), (4), and  
 7 (7)”; and

8 (2) by adding at the end the following new  
 9 paragraph:

10 “(7) The Secretary of the Army may lease not  
 11 more than 600 of the 10,000 family housing units  
 12 provided in paragraph (1) at an amount not greater  
 13 than 33 percent above the maximum lease amount  
 14 under paragraph (3), as adjusted under paragraph  
 15 (5) for the fiscal year in which a unit is leased under  
 16 this paragraph. The maximum lease amount pro-  
 17 vided in this paragraph shall apply only to Army  
 18 family housing in areas designated by the Secretary  
 19 of the Army and for leases not to exceed a term of  
 20 2 years.”.

21 **SEC. 2904. TRANSFER OF PROCEEDS FROM PROPERTY CON-**  
 22 **VEYANCE, MARINE CORPS LOGISTICS BASE,**  
 23 **ALBANY, GEORGIA.**

24 (a) **TRANSFER AUTHORIZED.**—The Secretary of De-  
 25 fense may transfer any proceeds from the sale of approxi-  
 26 mately 120.375 acres of improved land located at the

1 former Boyett Village Family Housing Complex at the  
 2 Marine Corps Logistics Base, Albany, Georgia, into the  
 3 Department of Defense Family Housing Improvement  
 4 Fund established under section 2883(a) of title 10, United  
 5 States Code, for carrying out activities under subchapter  
 6 IV of chapter 169 of that title with respect to military  
 7 family housing.

8 (b) NOTIFICATION REQUIREMENT.—A transfer of  
 9 proceeds under subsection (a) may be made only after the  
 10 end of the 30-day period beginning on the date the Sec-  
 11 retary of Defense submits written notice of the transfer  
 12 to the appropriate committees of Congress.

## 13 **Subtitle B—Real Property and** 14 **Facilities Administration**

### 15 **SEC. 2911. MODIFICATION OF UTILITY SYSTEM CONVEY-** 16 **ANCE AUTHORITY.**

17 Section 2688 of title 10, United States Code, is  
 18 amended—

19 (1) by redesignating subsection (j) as sub-  
 20 section (k); and

21 (2) by inserting after subsection (i) the fol-  
 22 lowing new subsection (j):

23 “(j) CONVEYANCE OR CONSTRUCTION OF UTILITY  
 24 INFRASTRUCTURE AFTER PRIVATIZATION OF A UTILITY  
 25 SYSTEM.—(1) The Secretary of a military department

1 may convey, using other than competitive procedures, util-  
2 ity infrastructure under the jurisdiction of the Secretary  
3 on a military installation to a utility or entity to which  
4 a utility system for the installation has been conveyed  
5 under subsection (a) if the Secretary determines the infra-  
6 structure will be part of the utility system and the military  
7 department receives as consideration an amount equal to  
8 the fair market value of the utility infrastructure deter-  
9 mined in the same manner as the consideration the Sec-  
10 retary could require under subsection (c) for a conveyance  
11 under subsection (a). The conveyance may consist of all  
12 right, title, and interest of the United States or such lesser  
13 estate as the Secretary considers appropriate to serve the  
14 interests of the United States.

15       “(2) In lieu of carrying out a military construction  
16 project to construct, repair, or replace utility infrastruc-  
17 ture to be used with a utility system that has been con-  
18 veyed to a utility or entity under subsection (a), the Sec-  
19 retary concerned may provide funds authorized and appro-  
20 priated for the project to such utility or entity for use by  
21 the utility or entity to construct, repair, or replace the util-  
22 ity infrastructure if the Secretary determines the infra-  
23 structure will be part of the utility system. As consider-  
24 ation for the provision of such funds, the Secretary may  
25 require a reduction in charges for utility services in the

1 same manner as a reduction in charges may be required  
 2 under subsection (c) for a conveyance under subsection  
 3 (a).”.

4 **SEC. 2912. REPEAL OF REQUIREMENT TO FOLLOW STATE**  
 5 **LAW GOVERNING THE PROVISION OF ELEC-**  
 6 **TRIC UTILITY SERVICE.**

7 (a) IN GENERAL.—Section 591 of title 40, United  
 8 States Code, is repealed.

9 (b) CONFORMING AMENDMENT.—The table of sec-  
 10 tions at the beginning of chapter 5 of such title is amended  
 11 by striking the item relating to section 591.

12 **SEC. 2913. PERMANENT AUTHORITY TO PURCHASE MUNIC-**  
 13 **IPAL SERVICES FOR MILITARY INSTALLA-**  
 14 **TIONS IN THE UNITED STATES.**

15 (a) PERMANENT AUTHORITY.—Chapter 141 of title  
 16 10, United States Code, is amended by adding at the end  
 17 the following new section:

18 **“§ 2410q. Procurement of municipal services for mili-**  
 19 **tary installations in the United States**

20 “(a) AUTHORITY.—(1) The Secretary of a Military  
 21 Department may procure municipal services (to include  
 22 public works and utility services) for any Military installa-  
 23 tion under the jurisdiction of the Secretary in the United  
 24 States from a county or municipal government for the geo-  
 25 graphic area in which the installation is located.



1       “(2) The Secretary may acquire such services using  
2 procedures other than competitive procedures if the Sec-  
3 retary determines the price for such services is fair and  
4 reasonable and—

5           “(A) the business case supporting the deter-  
6 mination—

7               “(i) describes the availability, benefits, and  
8 drawbacks of alternative sources; and

9               “(ii) establishes that performance by the  
10 county or municipal government will not in-  
11 crease costs to the Federal Government when  
12 compared to the cost of continued performance  
13 by the current provider and represents the best  
14 value to the Federal Government; and

15           “(B) at least 14 days prior to entering into a  
16 contract with the county or municipal government,  
17 written notification is provided to the congressional  
18 defense committees that includes a summary of the  
19 business case and explains how the adverse impact,  
20 if any, on the Federal workforce is being minimized.

21       “(3) The determination described in subparagraph  
22 (A) shall not be delegated to a level lower than a Deputy  
23 Assistant Secretary for Installations and Environment or  
24 another official at an equivalent level.

1       “(b) GUIDANCE.—The Secretary of Defense shall  
2 issue guidance to address the implementation of this sec-  
3 tion.”.

4       (b) CONFORMING AMENDMENT.—The table of sec-  
5 tions at the beginning of such chapter is amended by add-  
6 ing at the end the following new item:

“2410q. Procurement of municipal services for military installations in the  
United States.”.

7 **SEC. 2914. CLARIFICATION OF CONGRESSIONAL REPORT-**  
8 **ING REQUIREMENTS FOR CERTAIN REAL**  
9 **PROPERTY TRANSACTIONS OF THE MILITARY**  
10 **DEPARTMENTS.**

11       Section 2662(c) of title 10, United States Code, is  
12 amended—

13           (1) by striking “river and harbor projects or  
14 flood control projects” and inserting “Army civil  
15 works water resource development projects”; and

16           (2) by striking “acquisition specifically author-  
17 ized in a Military Construction Authorization Act”  
18 and inserting “transaction specifically authorized in  
19 a Military Construction Authorization Act or other  
20 Act authorizing or directing the activities of the De-  
21 partment of Defense”.

## **Subtitle C—Base Closure and Realignment**

### **SEC. 2921. ANNUAL BASE CLOSURE AND REALIGNMENT RE- PORT.**

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended, is amended—

(1) in paragraph (1), by striking “and realignment” each place it appears;

(2) in paragraph (2), by striking “and realignments” each place it appears; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking “or realignment” each place it appears.

## **Subtitle D—Other Matters**

### **SEC. 2931. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RE- SOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.**

(a) EXPANDED AUTHORITY.—Section 2684(a) of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY.—(1) The Secretary of Defense or the secretary of a military department, to the extent permitted by the establishment clause, may enter into a coop-

1 erative agreement with a State, local or tribal government  
 2 or other entity—

3 “(A) for the preservation, management, mainte-  
 4 nance, and improvement of cultural resources; and

5 “(B) for the conduct of research regarding cul-  
 6 tural resources.

7 “(2) Such cultural resources must be located—

8 “(A) on a military installation; or

9 “(B) off a military installation, but only if the  
 10 cooperative agreement directly relieves or eliminates  
 11 current or anticipated restrictions that would or  
 12 might restrict, impede, or otherwise interfere, wheth-  
 13 er directly or indirectly, with current or anticipated  
 14 military training, testing, or operations on the in-  
 15 stallation.

16 “(3) Activities under the cooperative agreement shall  
 17 be subject to the availability of funds to carry out the co-  
 18 operative agreement.”.

19 (b) CULTURAL RESOURCES.—Subsection (c) of such  
 20 section is amended by adding at the end the following new  
 21 paragraph:

22 “(5) An Indian sacred site, as that term is de-  
 23 fined in section 1(b)(iii) of Executive Order 13007.”.

○